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VOL. XCVIII.

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State Papers.

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My Lords and Gentlemen,

MY relations with foreign Powers continue to be of a friendly description.

It gave me particular satisfaction to receive as my guests during the past autumn the King and Queen of Portugal, a country which has for centuries been connected with Great Britain by ties of the closest friendship.

The war which has been in progress since February last between Russia and Japan unhappily continues. My Government have been careful to observe in the strictest manner the obligations incumbent upon a neutral Power.

The condition of the Balkan Peninsula continues to give cause for anxiety. The measures adopted at the instance of the Austro-Hungarian and Russian Governments have been instrumental in bringing about some amelioration of the state of the disturbed districts. Progress has notably been made in the reorganization of the gendarmerie, to which officers belonging to my army have contributed valuable assistance. These measures have still to be supplemented by radical reforms, especially of the financial system, before any permanent improvements can be effected in the administration of these provinces of the Turkish Empire. I note with satisfaction that the Austro-Hungarian and Russian Governments have lately addressed to the Porte proposals for this purpose. My Government is in communication with those of the other Powers mainly concerned upon this important subject.

The Convention* entered into between my Government and that of the French Republic for the amicable settlement of questions

* See Arrangements of April 8, 1904, Vol. XCVII, pages 31, 39, and 53.

involving the interests of both countries has been approved by the French Legislature and duly ratified. It will, I believe, operate in a manner advantageous to both countries, while it cannot fail to strengthen the friendly relations which so happily subsist between them.

Agreements, under which international questions of a certain class will be referred to arbitration, have been concluded between my Government and the Governments of Sweden and Norway, Portugal, and Switzerland.*

My Government has also come to an Agreement with that of Russia† under which an International Commission of Inquiry, assembled in conformity with the principles of The Hague Convention of 1899, has been intrusted with the duty of investigating the circumstances connected with the disaster to British trawlers which resulted from the action of the Russian fleet in the North Sea; and of apportioning the responsibility for this deplorable incident.

The steps to be taken for establishing a Representative Constitution in the Transvaal are receiving the earnest consideration of my Government and of those administering the Colony, and will, I hope, result in substantial progress towards the ultimate goal of complete self-government.

An Agreement, the provisions of which are calculated to place the relations of the Thibetan Government and the Government of India on a satisfactory footing, was concluded at Lhasa on the 7th September. The great difficulties which the Mission encountered were brilliantly surmounted by the civil and military authorities responsible for its conduct.

The Chinese Government have sent a Commissioner to Calcutta to negotiate a Convention of Adhesion on their part to the Agreement with the Thibetan Government. Papers on the subject have been laid before you.

The Ameer of Afghanistan has sent his son, the Sirdar Inayatulla, to pay a complimentary visit to the Viceroy and Governor-General of India at Calcutta, and a high officer of the Government of India has been deputed to Cabul to discuss with His Highness the Ameer questions affecting the relations of the two Governments.

A situation has arisen connected with the administration of the property belonging to certain ecclesiastical bodies in Scotland, which requires legislative intervention. With a view to the wise consideration of such a measure I have appointed Commissioners, who are engaged in making an inquiry into all the circumstances of the case, and whose Report may enable you to frame such proposals as will,

* Vol. XCVII, pages 91, 68, and 93.

† Vol. XCVII, page 77.

I trust, tend to the efficient administration of ecclesiastical funds, and the promotion of peace and good-will.

Gentlemen of the House of Commons,

The Estimates for the service of the ensuing year will be laid before you. They have been framed with the utmost economy which the circumstances of the present time admit.

My Lords and Gentlemen,

Your attention will be directed to proposals for diminishing the anomalies in the present arrangement of electoral areas which are largely due to the growth and movement of population in recent years.

A Bill to mitigate the evils arising out of alien immigration into the United Kingdom will be laid before you.

Legislation will be submitted to you for the establishment of authorities to deal with the question of the unemployed. I have noticed, with profound regret and sympathy, the abnormal distress which has been caused by the want of employment during the present winter. Arrangements of a temporary character have been made to meet the difficulty, but it is expedient now to provide machinery for this purpose of a more permanent character.

You have already partially considered provisions for amending the laws relating to Education in Scotland. They will again be brought before you.

A Bill to amend and extend the Workmen's Compensation Acts will be submitted for your consideration.

Proposals for improving the status of the Local Government Board and the Board of Trade, and for establishing a Minister of Commerce and Industry, will be laid before you.

Bills will also be introduced for amending the law with respect to Valuation Authorities, and the procedure for making Valuations; for consolidating the enactments relating to Naval Prize of War; for amending the law relating to the notification of industrial accidents; for the renewal of the Agricultural Rates Acts and other temporary Acts affecting certain classes of ratepayers; for the prevention of the adulteration of butter; and for the amendment of the law with regard to cases stated for the Court of Crown Cases reserved.

I pray that Providence may guide all your deliberations for the good of my people.

SPEECH of the King, on the Closing of the British Parliament.—Westminster, August 11, 1905.

My Lords and Gentlemen,

My relations with other Powers continue to be friendly.

It gave me great satisfaction to receive the King of Spain as my guest. His Majesty's stay in England will, I feel sure, serve to strengthen the cordial relations which have for so long subsisted between this country and the Spanish people.

Negotiations, due to the initiative of the President of the United States, are about to be entered into between the Russian and Japanese Governments for the purpose of terminating the deplorable conflict still proceeding in the Far East. It is my earnest hope that they may lead to a lasting and mutually honourable peace.

The Powers signatories of the Madrid Convention of 1880 have been invited by the Sultan of Morocco to take part in a Conference for the purpose of considering the best means of introducing much-needed reforms into that country. The bases of such a Conference are under consideration.

The dissolution of the Union between Sweden and Norway is apparently imminent. I am confident that by the exercise of wise moderation on each side a settlement will be arrived at acceptable to both countries, and of such a nature as to enable my Government to maintain with the people of the Scandinavian Peninsula the same friendly relations which have prevailed in the past.

The condition of affairs in Macedonia and in Crete still gives cause for considerable anxiety, and continues to engage the attention of my Government and those of the other Powers concerned.

The King of Italy has delivered his Award in regard to the frontier between the possessions of Portugal in South-West Africa and the territory of the Barotse Kingdom, and a settlement of this difficult question has thus been effected.

I gladly accepted the invitation of His Majesty the King of Italy to send Delegates to the Conference called under his auspices to consider the question of establishing an International Institute for the collection and exchange of information bearing upon agriculture. I cordially hope that the outcome of the Conference will be of service to agriculturists both at home and abroad.

My Government has received from the Dominion of Canada a most patriotic offer to assume the entire administrative and financial responsibility for the defence of Halifax and Esquimalt, and that offer has been cordially accepted. The transfer of control will take place at an early date under arrangements in regard to which my

Government have been fortunate enough to obtain the fullest and most appreciative co-operation of the Dominion Government.

In accordance with the expectation held out at the opening of this Session, I have granted to the Transvaal representative institutions, which will be brought into operation as soon as the measures necessary for holding elections can be completed. I trust that all sections of the community will unite in exercising the large measure of political power thus conferred upon them for the advancement and welfare of the Colony.

I have concluded a Treaty with His Highness the Ameer of Afghanistan* continuing the engagements which existed with the late Ameer, and which, during his lifetime, secured friendly relations between my Government in India and His Highness' Government.

The text of the Agreement has been laid before you.

Gentlemen of the House of Commons,

I thank you for the satisfactory provision which you have made for the services of the year.

My Lords and Gentlemen,

I have given my assent with much pleasure to measures for renewing the legislation which lightens the local burdens which press upon the agricultural population, and for the mitigation of the evils which have arisen out of alien immigration into the United Kingdom.

I have gladly sanctioned a temporary Act for the establishment of authorities to deal with the question of the unemployed. I trust that the Commission which I have approved to investigate the operation of the existing poor law will materially assist the deliberations of a future Parliament in its examination of this difficult problem.

A Bill dealing with the ecclesiastical difficulties in Scotland has been passed into law. I hope that its results may not only put an end to a serious controversy between two Presbyterian Churches in that country, but may ultimately conduce to the closest and most harmonious co-operation between all religious bodies who accept Presbyterian doctrine and discipline.

In bidding you farewell, I pray that the blessing of Almighty God may rest upon all your labours.

* See page 36.

ACT of the British Parliament to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other Provisions for the Financial Arrangements of the year.

[5 Edw. VII, c. 4.]

[June 30, 1905.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—*Customs and Excise.*

1. There shall, on and after the 1st day of July, 1905, until the 1st day of July, 1906, be charged, levied, and paid on tea imported into Great Britain or Ireland the following duty (that is to say):—

Tea, the pound 6*d.*

2. The additional duties of customs on tobacco, beer, and spirits imposed by sections 2, 3, 4, and 5 of "The Finance Act, 1900" (including the increased duties imposed by section 5 of that Act), shall continue to be charged, levied, and paid until the 1st day of July, 1906, and, as regards the period for which any additional drawback is allowed under the said section 4, July 1906, shall be substituted for August, 1901.

3. The additional duties of excise on beer and spirits imposed by sections 6 and 7 of "The Finance Act, 1900," shall continue to be charged, levied, and paid until the 1st day of July, 1906, and, as regards the period in respect of which any additional drawback is allowed under the said section 6, July 1906, shall be substituted for August, 1901.

4. The rates charged under section 6 of "The Finance Act, 1904," and section 7 of "The Customs and Excise Warehousing Act, 1869," on the delivery of goods from a warehouse for home consumption, shall cease to be chargeable.

PART II.—*Stamps.*

5.—(1.) The stamp duty charged by “The Stamp Act, 1891,” under the heading of the First Schedule to that Act, “Bond given pursuant to the directions of any Act,” &c., shall cease to be chargeable on bonds given in respect of the removal, transshipment, exportation, carriage coastwise, or shipment as stores of any goods, and the exemption under that heading shall be construed as if it included such bonds.

(2.) The stamp duty charged by “The Stamp Act, 1891,” under the heading “Delivery Order” in the First Schedule to that Act shall cease to be chargeable.

PART III.—*Income Tax and Inhabited House Duty.*

6.—(1.) Income tax for the year beginning on the 6th day of April, 1905, shall be charged at the rate of 1s.

(2.) All such enactments relating to income tax as were in force on the 5th day of April, 1905, shall have full force and effect with respect to the duty of income tax hereby granted.

(3.) The annual value of any property, which has been adopted for the purpose either of income tax under Schedules (A) and (B) in “The Income Tax Act, 1853,” or of inhabited house duty, during the year ending on the 5th day of April, 1905, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this sub-section—

(a.) So far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the 24th day of May for the 5th day of April; and

(b.) Shall not apply to the Metropolis as defined by “The Valuation (Metropolis) Act, 1869.”

PART IV.—*National Debt.*

7.—(1.) Any sums required for paying off any Exchequer bonds issued under the Supplemental War Loan Acts of 1900, and falling due in December 1905, may, up to an amount not exceeding 10,000,000*l.*, be raised by means of the issue of Exchequer bonds, which shall be paid off in ten years from the date of issue at the rate of one-tenth part of the total issue in each year.

(2.) The bonds to be redeemed shall be drawn in each year in accordance with regulations made by the Treasury, and the bonds so drawn in any year shall be redeemed on the 18th day of April in that year by the application for the purpose of the requisite part of the new sinking fund of the previous financial year, at the rate of 100*l.* sterling for every 100*l.* of the bond.

(3.) Exchequer bonds issued under this section shall, notwith-

standing anything in section 26 of "The Exchequer Bills and Bonds Act, 1866," be made out and issued with coupons for the interest becoming due thereon for a term of ten years from the date thereof.

(4.) The amount of the permanent annual charge for the National Debt under section 1 of "The Sinking Fund Act, 1875," during the current and every subsequent financial year shall be the sum of 28,000,000*l.* instead of 27,000,000*l.*

(5.) Any sums required for defraying any expenses incurred in connection with raising or paying off any money raised under this section, and the principal of and interest on any Exchequer bonds issued under this section, shall be charged on and be payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and as to the interest shall be paid as part of the permanent annual charge for the National Debt.

PART V.—*General.*

8.—(1.) The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2.) Part I of this Act so far as it relates to duties of customs shall be construed together with "The Customs Consolidation Act, 1876," and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3.) This Act may be cited as "The Finance Act, 1905."

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict., c. 103	"The Customs and Excise Warehousing Act, 1869"	The whole Act, so far as unrepealed.
39 & 40 Vict., c. 36	"The Customs Consolidation Act, 1876"	Section 104, from "but no such notice" to the end of the section.
54 & 55 Vict., c. 39	"The Stamp Act, 1891".. ..	Sections 69, 70, and 71. In the First Schedule the words "Delivery order O O 1." And see sections 69, 70, and 71."
3 Edw. VII, c. 8	"The Finance Act, 1903"*	Sub-section (1) of section 6.
3 Edw. VII, c. 46	"The Revenue Act, 1903"	Section 6.
4 Edw. VII, c. 7	"The Finance Act, 1904"†	Section 6.

ACT of the British Parliament to amend the Law with regard to Aliens.

[5 Edw. VII, c. 13.]

[August 11, 1905.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Regulation of Alien Immigration.

1.—(1.) An immigrant shall not be landed in the United Kingdom from an immigrant ship except at a port at which there is an Immigration Officer appointed under this Act, and shall not be landed at any such port without the leave of that officer given after an inspection of the immigrants made by him on the ship, or elsewhere if the immigrants are conditionally disembarked for the purpose, in company with a medical inspector, such inspection to be made as soon as practicable, and the Immigration Officer shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.

(2.) Where leave to land is so withheld in the case of any immigrant, the master, owner, or agent of the ship, or the immigrant, may appeal to the Immigration Board of the port, and that Board shall, if they are satisfied that leave to land should not be withheld under this Act, give leave to land, and leave so given shall operate as the leave of the Immigration Officer.

(3.) For the purposes of this section an immigrant shall be considered an undesirable immigrant—

(a.) If he cannot show that he has in his possession, or is in a position to obtain, the means of decently supporting himself and his dependents (if any); or

(b.) If he is a lunatic or an idiot, or owing to any disease or infirmity appears likely to become a charge upon the rates, or otherwise a detriment to the public; or

(c.) If he has been sentenced in a foreign country with which there is an Extradition Treaty for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of "The Extradition Act, 1870;" or

(d.) If an expulsion order under this Act has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this country solely to avoid prosecution or punishment on religious or political grounds or for an offence of a political

character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means, or the probability of his becoming a charge on the rates; nor shall leave to land be withheld in the case of an immigrant who shows to the satisfaction of the Immigration Officer or Board concerned with the case that, having taken his ticket in the United Kingdom and embarked direct therefrom for some other country immediately after a period of residence in the United Kingdom of not less than six months, he has been refused admission in that country and returned direct therefrom to a port in the United Kingdom; and leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the Immigration Officer or Board concerned with the case that he was born in the United Kingdom, his father being a British subject.

(4.) The Secretary of State may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in the United Kingdom from those ships except for the purpose of transit.

Any such order of exemption may be withdrawn at any time at the discretion of the Secretary of State.

(5.) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Act; but an immigrant conditionally disembarked shall not be deemed to have landed so long as the conditions are complied with.

2.—(1.) The Immigration Board for a port shall consist of three persons summoned in accordance with rules made by the Secretary of State under this Act out of a list approved by him for the port, comprising fit persons having magisterial, business, or administrative experience.

(2.) A Secretary of State may make rules generally with respect to Immigration Boards and their officers, and with respect to appeals to those Boards, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules amongst other things provide for the summoning and procedure of the Board, and for the place of meeting of the Board, and for the security to be given by the master of the ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal, and also, where leave to land is with-

held in the case of any immigrant by the Immigration Officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

Expulsion of Undesirable Aliens.

3.—(1.) The Secretary of State may, if he thinks fit, make an order (in this Act referred to as an expulsion order) requiring an alien to leave the United Kingdom within a time fixed by the order, and thereafter to remain out of the United Kingdom—

(a.) If it is certified to him by any Court (including a Court of Summary Jurisdiction) that the alien has been convicted by that Court of any felony, or misdemeanour, or other offence for which the Court has power to impose imprisonment without the option of a fine, or of an offence under paragraph 22 or 23 of section 381 of “The Burgh Police (Scotland) Act, 1892,” or of an offence as a prostitute under section 72 of “The Towns Improvement (Ireland) Act, 1854,” or paragraph 11 of section 54 of “The Metropolitan Police Act, 1839,” and that the Court recommend that an expulsion order should be made in his case, either in addition to or in lieu of his sentence; and

(b.) If it is certified to him by a Court of Summary Jurisdiction after proceedings taken for the purpose within twelve months after the alien has last entered the United Kingdom, in accordance with rules of Court made under section 29 of “The Summary Jurisdiction Act, 1879,” that the alien—

(i.) Has within three months from the time at which proceedings for the certificate are commenced been in receipt of any such parochial relief as disqualifies a person for the Parliamentary franchise, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(ii.) Has entered the United Kingdom after the passing of this Act, and has been sentenced in a foreign country with which there is an Extradition Treaty for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of “The Extradition Act, 1870.”

(2.) If any alien in whose case an expulsion order has been made is at any time found within the United Kingdom in contravention of the order, he shall be guilty of an offence under this Act.

4.—(1.) Where an expulsion order is made in the case of any alien, the Secretary of State may, if he thinks fit, pay the whole or any part of the expenses of or incidental to the departure from the United Kingdom and maintenance until departure of the alien and his dependents (if any).

(2.) If an expulsion order is made in the case of any alien (not being an alien who last entered the United Kingdom before the commencement of this Act, or an immigrant in whose case leave to land has been given under this Act) on a certificate given within six months after he has last entered the United Kingdom, the master of the ship in which he has been brought to the United Kingdom and also the master of any ship belonging to the same owner shall be liable to pay to the Secretary of State as a debt due to the Crown any sums paid by the Secretary of State under this section in connection with the alien, and shall, if required by the Secretary of State, receive the alien and his dependents (if any) on board his ship, and afford them free of charge a passage to the port of embarkation and proper accommodation and maintenance during the passage.

(3.) If the master of a ship fails to comply with the provisions of this section as to giving a passage to an alien or his dependents, he shall be guilty of an offence under this Act.

General.

5.—(1.) The master of any ship landing or embarking passengers at any port in the United Kingdom shall furnish to such person and in such manner as the Secretary of State directs, a return giving such particulars with respect to any such passengers who are aliens, as may be required for the time being by order of the Secretary of State, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.

(2.) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Act, and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour.

(3.) The Secretary of State may by order exempt from the provisions of this section any special class of passengers or voyages, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.

6.—(1.) The Secretary of State shall appoint, at such ports in the United Kingdom as he thinks necessary for the time being, immigration officers and medical inspectors, and may appoint or employ such other officers or persons as may be required for the purposes of Immigration Boards, or for the purpose of the returns to be given under this Act, or otherwise for carrying this Act into effect, and the salary and remuneration of any officers, inspectors,

or persons so appointed or employed, and any expenses otherwise incurred in carrying this Act into effect (including such payment as may be sanctioned by the Treasury for the attendance of any person as a member of an Immigration Board to hear appeals), shall, up to an amount approved by the Treasury, be paid out of moneys provided by Parliament.

(2.) The Secretary of State may arrange with the Commissioners of Customs or any other Government Department or any port sanitary authority for the appointment or employment of officers of Customs or officers of that Department or authority as officers under this Act.

(3.) The Secretary of State shall make known, in such manner as he thinks best suited for the purpose, the ports at which Immigration Officers are for the time being appointed under this Act.

7.—(1.) Any person guilty of an offence under this Act shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction, to a fine not exceeding 100*l.*, and if the offence is committed by him as an immigrant or alien, be deemed a rogue and vagabond within the meaning of “The Vagrancy Act, 1824,” and be liable to be dealt with accordingly as if the offence were an offence under section 4 of that Act.

(2.) Sections 684, 685, and 686 of “The Merchant Shipping Act, 1894” (which relate to the jurisdiction of Courts and Justices), shall apply with respect to jurisdiction under this Act as they apply with respect to jurisdiction under that Act; and section 693 of “The Merchant Shipping Act, 1894” (which relates to the levying of sums ordered to be paid by distress on a ship), shall apply with respect to any fines or other sums of money to be paid under this Act by the master of a ship as it applies with respect to fines and other sums of money to be paid under that Act.

(3.) Any immigrant who is conditionally disembarked, and any alien in whose case an expulsion order is made, while awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves the United Kingdom, and any alien in whose case a certificate has been given by a Court, with a view to the making of an expulsion order under this Act, until the Secretary of State has decided upon his case, shall be liable to be kept in custody in such manner as the Secretary of State directs, and whilst in that custody shall be deemed to be in legal custody.

(4.) If any immigrant, master of a ship, or other person, for the purposes of this Act, makes any false statement or false representation to an Immigration Officer, Medical Inspector, Immigration Board, or to the Secretary of State, he shall be liable on summary con-

viction to imprisonment for a term not exceeding three months with hard labour.

(5.) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

(6.) In carrying out the provisions of this Act, due regard shall be had to any Treaty, Convention, arrangement, or engagement with any foreign country.

8.—(1.) The expression “immigrant” in this Act means an alien steerage passenger who is to be landed in the United Kingdom, but does not include—

(a.) Any passenger who shows to the satisfaction of the Immigration Officer or Board concerned with the case that he desires to land in the United Kingdom only for the purpose of proceeding within a reasonable time to some destination out of the United Kingdom; or

(b.) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to the United Kingdom, or by which they are to be taken away from the United Kingdom, gives security to the satisfaction of the Secretary of State that, except for the purposes of transit or under other circumstances approved by the Secretary of State, they will not remain in the United Kingdom, or, having been rejected in another country re-enter the United Kingdom, and that they will be properly maintained and controlled during their transit.

(2.) The expression “immigrant ship” in this Act means a ship which brings to the United Kingdom more than 20 alien steerage passengers, who are to be landed in the United Kingdom, whether at the same or different ports, or such number of those passengers as may be for the time being fixed by order of the Secretary of State, either generally or as regards any special ships or ports.

(3.) The expression “passenger” in this Act includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship; and the expression “steerage passenger” in this Act includes all passengers except such persons as may be declared by the Secretary of State to be cabin passengers by order made either generally or as regards any special ships or ports.

(4.) If any question arises under this Act on an appeal to an Immigration Board whether any ship is an immigrant ship within the meaning of this Act, or whether any person is an immigrant, a passenger, or a steerage passenger, within the meaning of this Act, or whether any offence is an offence of a political character, or whether

a crime is an extradition crime, that question shall be referred to the Secretary of State in accordance with rules made under this Act, and the Board shall act in accordance with his decision.

(5.) The Secretary of State may withdraw or vary any order made by him under this section.

9.—(1.) In the application of this Act to Scotland and Ireland the words “be liable on summary conviction to imprisonment for a term not exceeding three months with hard labour” shall be substituted for the words “be deemed a rogue and vagabond within the meaning of ‘The Vagrancy Act, 1824,’ and be liable to be dealt with accordingly as if the offence were an offence under section 4 of that Act.”

(2.) Section 33 of “The Summary Procedure (Scotland) Act, 1864,” shall be substituted as respects Scotland for section 29 of “The Summary Jurisdiction Act, 1879;” and the Lord Chancellor of Ireland may, as respects Ireland, make rules for the purposes of this Act for which rules may be made under section 29 of “The Summary Jurisdiction Act, 1879;” and all rules so made shall be laid, as soon as may be, before both Houses of Parliament.

10.—(1.) This Act may be cited as “The Aliens Act, 1905,” and shall come into operation on the 1st day of January, 1906.

(2.) “The Registration of Aliens Act, 1836,”* is hereby repealed.

*ACT of the British Parliament to consolidate and amend the
Law relating to Trade-marks.*

[5 Edw. VII, c. 15.]

[August 11, 1905.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as “The Trade-marks Act, 1905.”

2. This Act shall, save as otherwise expressly provided, come into operation on the 1st day of April, 1906.

PART I.—*Definitions.*

3. In and for the purposes of this Act (unless the context otherwise requires)—

A “mark” shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof;

A "trade-mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade-mark by virtue of manufacture, selection, certification, dealing with, or offering for sale;

A "registrable trade-mark" shall mean a trade-mark which is capable of registration under the provisions of this Act;

"The register" shall mean the register of trade-marks kept under the provisions of this Act;

A "registered trade-mark" shall mean a trade-mark which is actually upon the register;

"Prescribed" shall mean, in relation to proceedings before the Court, prescribed by rules of Court, and in other cases, prescribed by this Act or the Rules thereunder;

"The Court" shall mean (subject to the provisions for Scotland, Ireland, and the Isle of Man) His Majesty's High Court of Justice in England.

Register of Trade-marks.

4. There shall be kept at the Patent Office for the purposes of this Act a book called the Register of Trade-marks, wherein shall be entered all registered trade-marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade-marks as may from time to time be prescribed. The register shall be kept under the control and management of the Comptroller-General of Patents, Designs, and Trade-marks, who is in this Act referred to as the Registrar.

5. There shall not be entered in the register any notice of any trust, expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

6. The register of trade-marks existing at the date of the commencement of this Act, and all registers of trade-marks kept under previous Acts, which are deemed part of the same book as such register, shall be incorporated with and form part of the register. Subject to the provisions of sections 36 and 41 of this Act the validity of the original entry of any trade-mark upon the registers so incorporated shall be determined in accordance with the statutes in force at the date of such entry, and such trade-mark shall retain its original date, but for all other purposes it shall be deemed to be a trade-mark registered under this Act.

7. The register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of

the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Registrable Trade-marks.

8. A trade-mark must be registered in respect of particular goods or classes of goods.

9. A registrable trade-mark must contain or consist of at least one of the following essential particulars:—

(1.) The name of a company, individual, or firm represented in a special or particular manner ;

(2.) The signature of the applicant for registration or some predecessor in his business ;

(3.) An invented word or invented words ;

(4.) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname ;

(5.) Any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not, except by order of the Board of Trade or the Court, be deemed a distinctive mark :

Provided always that any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade-mark by the applicant or his predecessors in business before the 13th day of August, 1875, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade-mark under this Act.

For the purposes of this section “distinctive” shall mean adapted to distinguish the goods of the proprietor of the trade-mark from those of other persons.

In determining whether a trade-mark is so adapted, the tribunal may, in the case of a trade-mark in actual use, take into consideration the extent to which such user has rendered such trade-mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

10. A trade-mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by any tribunal having to decide on the distinctive character of such trade-mark. If and so far as a trade-mark is registered without limitation of colour it shall be deemed to be registered for all colours.

11. It shall not be lawful to register as a trade-mark or part of a trade-mark any matter, the use of which would by reason of its

being calculated to deceive or otherwise be disentitled to protection in a Court of Justice, or would be contrary to law or morality, or any scandalous design.

Registration of Trade-marks.

12.—(1.) Any person claiming to be the proprietor of a trade-mark who is desirous of registering the same must apply in writing to the Registrar in the prescribed manner.

(2.) Subject to the provisions of this Act the Registrar may refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications.

(3.) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the Board of Trade or to the Court at the option of the applicant.

(4.) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, the application is to be accepted.

(5.) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar, other than those stated by him, except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6.) The Registrar or the Board of Trade or the Court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as they may think fit.

13. When an application for registration of a trade-mark has been accepted, whether absolutely or subject to conditions, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions subject to which the application has been accepted.

14.—(1.) Any person may, within the prescribed time from the date of the advertisement of an application for the registration of a trade-mark, give notice to the Registrar of opposition to such registration.

(2.) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3.) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and if he does not do so, he shall be deemed to have abandoned his application.

(4.) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall, after hearing the parties, if so required, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.

(5.) The decision of the Registrar shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

(6.) An appeal under this section shall be made in the prescribed manner, and on such appeal the Board of Trade or the Court, as the case may be, shall, if required hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(7.) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal.

(8.) In proceedings under this section no further grounds of objection to the registration of a trade-mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the tribunal hearing the appeal. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9.) In any appeal under this section, the tribunal may, after hearing the Registrar, permit the trade-mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade-mark, but in such case the trade-mark as so modified shall be advertised in the prescribed manner before being registered.

(10.) The Registrar, or in the case of an appeal to the Board of Trade the Board of Trade, shall have power in proceedings under this section to award to any party such costs as they may consider reasonable, and to direct how and by what parties they are to be paid.

(11.) If a party giving notice of opposition or of appeal neither resides nor carries on business in the United Kingdom, the tribunal may require such party to give security for costs of the proceedings

before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

15. If a trade-mark contains parts not separately registered by the proprietor as trade-marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the Board of Trade or the Court, in deciding whether such trade-mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade-mark, or of all or any portion of such matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration: Provided always that no disclaimer upon the register shall affect any rights of the proprietor of a trade-mark except such as arise out of the registration of the trade-mark in respect of which the disclaimer is made.

16. When an application for registration of a trade-mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed the opposition has been decided in favour of the applicant, the Registrar shall, unless the Board of Trade otherwise direct, register the said trade-mark, and the trade-mark, when registered, shall be registered as of the date of the application for registration, and such date shall be deemed for the purposes of this Act to be the date of registration.

17. On the registration of a trade-mark the Registrar shall issue to the applicant a certificate in the prescribed form of the registration of such trade-mark under the hand of the Registrar, and sealed with the seal of the Patent Office.

18. Where registration of a trade-mark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in such notice.

Identical Trade-marks.

19. Except by order of the Court or in the case of trade-marks in use before the 13th day of August, 1875, no trade-mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor which is already on the register with respect to such goods or description of

goods, or so nearly resembling such a trade-mark as to be calculated to deceive.

20. Where each of several persons claims to be proprietor of the same trade-mark, or of nearly identical trade-marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the Court, or have been settled by agreement in a manner approved by him or (on appeal) by the Board of Trade.

21. In case of honest concurrent user or of other special circumstances which, in the opinion of the Court, make it proper so to do, the Court may permit the registration of the same trade-mark, or of nearly identical trade-marks, for the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as it may think it right to impose.

Assignment.

22. A trade-mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered, and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade-mark to assign the right to use the same in any British possession or Protectorate or foreign country in connection with any goods for which it is registered together with the goodwill of the business therein in such goods.

23. In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Act as to associated trade-marks), on the application of the parties interested, permit an apportionment of the registered trade-marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

Associated Trade-marks.

24. If application be made for the registration of a trade-mark so closely resembling a trade-mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than

the applicant, the tribunal hearing the application may require as a condition of registration that such trade-marks shall be entered on the register as associated trade-marks.

25. If the proprietor of a trade-mark claims to be entitled to the exclusive use of any portion of such trade-mark separately he may apply to register the same as separate trade-marks. Each such separate trade-mark must satisfy all the conditions, and shall have all the incidents of an independent trade-mark, except that when registered it and the trade-mark, of which it forms a part, shall be deemed to be associated trade-marks and shall be entered on the register as such, but the user of the whole trade-mark shall, for the purposes of the Act, be deemed to be also a user of such registered trade-marks belonging to the same proprietor as it contains.

26. When a person claiming to be the proprietor of several trade-marks for the same description of goods which, while resembling each other in the material particulars thereof, yet differ in respect of—

(a.) Statements of the goods for which they are respectively used or proposed to be used; or

(b.) Statements of number, price, quality, or names of places; or

(c.) Other matter of a non-distinctive character which does not substantially affect the identity of the trade-mark; or

(d.) Colour;

seeks to register such trade-marks, they may be registered as a series in one registration. All the trade-marks in a series of trade-marks so registered shall be deemed to be, and shall be registered as, associated trade-marks.

27. Associated trade-marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade-marks: Provided that where, under the provisions of this Act, user of a registered trade-mark is required to be proved for any purpose, the tribunal may, if, and so far as it shall think right, accept user of an associated registered trade-mark, or of the trade-mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Renewal of Registration.

28. The registration of a trade-mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

29. The Registrar shall, on application made by the registered proprietor of a trade-mark in the prescribed manner and within the

prescribed period, renew the registration of such trade-mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

30. At the prescribed time before the expiration of the last registration of a trade-mark, the Registrar shall send notice in the prescribed manner to the registered proprietor at his registered address of the date at which the existing registration will expire, and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if, at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade-mark from the register, subject to such condition (if any) as to its restoration to the register as may be prescribed.

31. Where a trade-mark has been removed from the register for non-payment of the fee for renewal, such trade-mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade-mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no *bonâ fide* trade user of such trade-mark during the two years immediately preceding such removal.

Correction and Rectification of the Register.

32. The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

(1.) Correct any error in the name or address of the registered proprietor of a trade-mark; or

(2.) Enter any charge in the name or address of the person who is registered as proprietor of a trade-mark; or

(3.) Cancel the entry of a trade-mark on the register; or

(4.) Strike out any goods or classes of goods from those for which a trade-mark is registered; or

(5.) Enter a disclaimer or memorandum relating to a trade-mark which does not in any way extend the rights given by the existing registration of such trade-mark.

Any decision of the Registrar under this section shall be subject to appeal to the Board of Trade.

33. Subject to the provisions of this Act where a person becomes entitled to a registered trade-mark by assignment, transmission, or other operation of law, the Registrar shall, on request made in the prescribed manner, and on proof of title to his

satisfaction, cause the name and address of such person to be entered on the register as proprietor of the trade-mark. Any decision of the Registrar under this section shall be subject to appeal to the Court or, with the consent of the parties, to the Board of Trade.

34. The registered proprietor of any trade-mark may apply in the prescribed manner to the Registrar for leave to add to or alter such trade-mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms as he may think fit; but any such refusal or conditional permission shall be subject to appeal to the Board of Trade. If leave be granted, the trade-mark as altered shall be advertised in the prescribed manner.

35. Subject to the provisions of this Act—

(1.) The Court may on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry as it may think fit;

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register;

(3.) In case of fraud in the registration or transmission of a registered trade-mark, the Registrar may himself apply to the Court under the provisions of this section;

(4.) Any order of the Court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner, who shall upon receipt of such notice rectify the register accordingly.

36. No trade-mark which is upon the register at the commencement of this Act, and which under this Act is a registrable trade-mark, shall be removed from the register on the ground that it was not registrable under the Acts in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Act to which he would not have been subject under the Acts then in force.

37. A registered trade-mark may, on the application to the Court of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bonâ fide* intention to use the same in connection with such goods, and there has in fact been no *bonâ fide* user of the same in

connection therewith, or on the ground that there has been no *bonâ fide* user of such trade-mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade-mark in respect of such goods.

Effect of Registration.

38. Subject to the provisions of this Act—

(1.) The person for the time being entered in the register as proprietor of a trade-mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment ;

(2.) Any equities in respect of a trade-mark may be enforced in like manner as in respect of any other personal property.

39. Subject to the provisions of section 41 of this Act and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade-mark shall, if valid, give to such person the exclusive right to the use of such trade-mark upon or in connection with the goods in respect of which it is registered: Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade-mark in respect of the same goods no rights of exclusive user of such trade-mark shall (except so far as their respective rights shall have been defined by the Court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

40. In all legal proceedings relating to a registered trade-mark (including applications under section 35 of this Act) the fact that a person is registered as proprietor of such trade-mark shall be *primâ facie* evidence of the validity of the original registration of such trade-mark and of all subsequent assignments and transmissions of the same.

41. In all legal proceedings relating to a registered trade-mark (including applications under section 35 of this Act) the original registration of such trade-mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Act, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade-mark offends against the provisions of section 11 of this Act :

Provided that nothing in this Act shall entitle the proprietor of

a registered trade-mark to interfere with or restrain the user by any person of a similar trade-mark upon or in connection with goods upon or in connection with which such person has, by himself or his predecessors in business, continuously used such trade-mark from a date anterior to the user of the first-mentioned trade-mark by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade-mark in respect of such goods under the provisions of section 21 of this Act.

42. No person shall be entitled to institute any proceeding to prevent or to recover damages for the infringement of an unregistered trade-mark unless such trade-mark was in use before the 13th of August, 1875, and has been refused registration under this Act. The Registrar may, on request, grant a certificate that such registration has been refused.

43. In an action for the infringement of a trade-mark the Court trying the question of infringement shall admit evidence of the usages of the trade in respect to the get-up of the goods for which the trade-mark is registered, and of any trade-marks or get-up legitimately used in connection with such goods by other persons.

44. No registration under this Act shall interfere with any *bonâ fide* use by a person of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bonâ fide* description of the character or quality of his goods.

45. Nothing in this Act contained shall be deemed to affect rights of action against any person for passing off goods as those of another person or the remedies in respect thereof.

Legal Proceedings.

46. In any legal proceeding in which the validity of the registration of a registered trade-mark comes into question and is decided in favour of the proprietor of such trade-mark, the Court may certify the same, and if it so certifies then in any subsequent legal proceeding in which such validity comes into question the proprietor of the said trade-mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless in such subsequent proceeding the Court certifies that he ought not to have the same.

47. In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the Court. Unless otherwise directed by the Court, the Registrar in

lieu of appearing and being heard may submit to the Court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding.

Costs.

48. In all proceedings before the Court under this Act the costs of the Registrar shall be in the discretion of the Court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

Evidence.

49. In any proceeding under this Act before the Board of Trade, or the Registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary; but, in any case in which it shall think it right so to do, the tribunal may (with the consent of the parties) take evidence *vivâ voce* in lieu of or in addition to evidence by declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

In case any part of the evidence is taken *vivâ voce* the Board of Trade or the Registrar shall in respect of requiring the attendance of witnesses and taking evidence on oath be in the same position in all respects as an Official Referee of the Supreme Court.

50. Printed or written copies or extracts of or from the register, purporting to be certified by the Registrar and sealed with the seal of the Patent Office, shall be admitted in evidence in all Courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

51. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorized by this Act, or rules made thereunder, to make or do, shall be *primâ facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

52.—(1.) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by the Secretary or Assistant Secretary of the Board, or by any person authorized in that behalf by the President of the Board,

shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(2.) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

PART II.—Powers and Duties of Registrar of Trade-marks.

53. Where any discretionary or other power is given to the Registrar by this Act or rules made thereunder he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade-mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor an opportunity of being heard.

54. Except where expressly given by the provisions of this Act or rules made thereunder there shall be no appeal from a decision of the Registrar otherwise than to the Board of Trade; but the Court, in dealing with any question of the rectification of the register (including all applications under the provisions of section 35 of this Act), shall have power to review any decision of the Registrar relating to the entry in question or the correction sought to be made.

55. Where by this Act any act has to be done by or to any person in connection with a trade-mark or proposed trade-mark or any procedure relating thereto, such act may under and in accordance with rules made under this Act or in particular cases by special leave of the Board of Trade be done by or to an agent of such party duly authorized in the prescribed manner.

56. The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to His Majesty's Attorney-General or Solicitor-General for England for directions in the matter.

57. The Comptroller-General of Patents, Designs, and Trade-marks shall in his yearly report on the execution by or under him of "The Patents, Designs, and Trade-marks Act, 1883," and Acts amending the same, include a report respecting the execution by or under him of this Act as though it formed a part of or was included in such Acts.

Powers and Duties of the Board of Trade.

58. All things required or authorized under this Act to be done by to or before the Board of Trade may be done by to or before the President or a Secretary or Assistant Secretary of the Board or any person authorized in that behalf by the President of the Board.

59. Where under this Act an appeal is made to the Board of Trade, the Board of Trade may, if they think fit, refer any such appeal to the Court in lieu of hearing and deciding it themselves, but, unless the Board so refer the appeal, it shall be heard and decided by the Board, and the decision of the Board shall be final.

60.—(1.) Subject to the provisions of this Act the Board of Trade may from time to time make such rules, prescribe such forms, and generally do such things as they think expedient—

(a.) For regulating the practice under this Act;

(b.) For classifying goods for the purposes of registration of trade-marks;

(c.) For making or requiring duplicates of trade-marks and other documents;

(d.) For securing and regulating the publishing and selling or distributing in such manner as the Board of Trade think fit, of copies of trade-marks and other documents;

(e.) Generally, for regulating the business of the office in relation to trade-marks and all things by this Act placed under the direction or control of the Registrar, or of the Board of Trade.

(2.) Rules made under this section shall, whilst in force, be of the same effect as if they were contained in this Act.

(3.) Before making any rules under this section the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained in such manner as the Board consider most expedient, so as to enable persons affected to make representations to the Board before the rules are finally settled.

(4.) Any rules made in pursuance of this section shall be forthwith advertised twice in the "Trade-marks Journal," and shall be laid before both Houses of Parliament, if Parliament be in Session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next Session of Parliament.

(5.) If either House of Parliament within the next forty days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall, after the date of such resolution, be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule or to the making of any new rules or rule.

Fees.

61. There shall be paid in respect of applications and registration and other matters under this Act, such fees as may be

with the sanction of the Treasury, prescribed by the Board of Trade.

Special Trade-marks.

62. Where any association or person undertakes the examination of any goods in respect of origin, material, mode of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by mark used upon or in connection with such goods, the Board of Trade may, if they shall judge it to be to the public advantage, permit such association or person to register such mark as a trade-mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such examination and certifying. When so registered such trade-mark shall be deemed in all respects to be a registered trade-mark, and such association or person to be the proprietor thereof, save that such trade-mark shall be transmissible or assignable only by permission of the Board of Trade.

Sheffield Marks.

63. With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that Company, the following provisions shall have effect:—

(1.) The Cutlers' Company shall continue to keep at Sheffield the register of trade-marks (in this Act called the Sheffield Register) kept by them at the date of the commencement of this Act, and, save as otherwise provided by this Act, such register shall for all purposes form part of the register ;

(2.) The Cutlers' Company shall, on request made in the prescribed manner, enter in the Sheffield Register, in respect of metal goods as defined in this section, all the trade-marks which shall have been assigned by the Cutlers' Company and actually used before the 1st day of January, 1884, but which have not been entered in such register before the passing of this Act ;

(3.) An application for registration of a trade-mark used on metal goods shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company ;

(4.) Every application so made to the Cutlers' Company shall be notified to the Registrar in the prescribed manner, and unless the Registrar in the prescribed time gives notice to the Cutlers' Company of any objection to the acceptance of the application, it

shall be proceeded with by the Cutlers' Company in the prescribed manner;

(5.) If the Registrar gives notice of an objection as aforesaid the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may in the prescribed manner appeal to the Court;

(6.) Upon the registration of a trade-mark in the Sheffield Register the Cutlers' Company shall give notice thereof to the Registrar, who shall thereupon enter the mark in the register of trade-marks; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the Registrar on that day;

(7.) The provisions of this Act, and of any rules made under this Act with respect to the registration of trade-marks, and all matters relating thereto, shall, subject to the provisions of this section (and notwithstanding anything in any Act relating to the Cutlers' Company), apply to the registration of trade-marks on metal goods by the Cutlers' Company, and to all matters relating thereto; and this Act and any such rules shall, so far as applicable, be construed accordingly with the substitution of the Cutlers' Company, the office of the Cutlers' Company, and the Sheffield Register, for the Registrar, the Patent Office, and the Register of Trade-marks respectively; and notice of every entry, cancellation, or correction made in the Sheffield Register shall be given to the Registrar by the Cutlers' Company;

(8.) When the Registrar receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade-mark used on metal goods, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company;

(9.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the Court;

(10.) For the purposes of this section the expression "metal goods" means all metals, whether wrought, unwrought, or partly wrought, and all goods composed wholly or partly of any metal;

(11.) For the purpose of legal proceedings in relation to trade-marks entered in the Sheffield Register a certificate under the hand of the Master of the Cutlers' Company shall have the same effect as the certificate of the Registrar.

Cotton Marks.

64.—(1.) The Manchester Branch of the Trade-marks Registry of the Patent Office (hereinafter called the "Manchester Branch")

shall be continued according to its present constitution. A chief officer of the Manchester Branch shall be appointed who shall be styled "the Keeper of Cotton Marks," and shall act under the direction of the Registrar. The present keeper of the Manchester Branch shall be the first Keeper of Cotton Marks.

(2.) As regards cotton goods which have hitherto constituted classes 23, 24, and 25, under the classification of goods under the Patents, Designs, and Trade-marks Acts, 1883 to 1902, the Register of Trade-marks for all such goods, except such as may be prescribed, shall be called the "Manchester Register," and a duplicate thereof shall be kept at the Manchester Branch.

(3.) All applications for registration of trade-marks for such cotton goods in the said classes (hereinafter referred to as "cotton marks") shall be made to the Manchester Branch.

(4.) Every application so made to the Manchester Branch shall be notified to the Registrar in the prescribed manner together with the report of the Keeper of Cotton Marks thereon, and unless the Registrar, after considering the report and hearing, if so required, the applicant, within the prescribed time gives notice to the Keeper of Cotton Marks of objection to the acceptance of the application, it shall be advertised by the Manchester Branch and shall be proceeded with in the prescribed manner.

(5.) If the Registrar gives notice of objection as aforesaid the application shall not be proceeded with, but any person aggrieved may in the prescribed manner appeal to the Court or the Board of Trade, at the option of the applicant;

(6.) Upon the registration of a trade-mark in the Manchester Register the Keeper of Cotton Marks shall upon notice thereof from the Registrar thereupon enter the mark in the duplicate of the Manchester Register, and such registration shall bear date as of the day of application to the Manchester Branch, and shall have the same effect as if the application had been made to the Registrar on that day.

(7.) When any mark is removed from or any cancellation or correction made in the Manchester Register notice thereof shall be given by the Registrar to the Keeper of Cotton Marks, who shall alter the duplicate register accordingly.

(8.) For the purpose of all proceedings in relation to trade-marks entered in the Manchester Register a certificate under the hand of the Keeper of Cotton Marks shall have the same effect as a certificate of the Registrar.

(9.) In every application for registration of a cotton mark, if such mark has been used by the applicant or his predecessors in business prior to the date of application, the length of time of such user shall be stated on the application

(10.) As from the passing of this Act—

(a.) In respect of cotton piece goods and cotton yarn no mark consisting of a word or words alone (whether invented or otherwise) shall be registered, and no word or words shall be deemed to be distinctive in respect of such goods;

(b.) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods;

(c.) No registration of a cotton mark shall give any exclusive right to the use of any word, letter, numeral, line heading, or any combination thereof.

(11.) The right of inspection of the Manchester Register shall extend to and include the right to inspect all applications whatsoever that have been since the passing of "The Trade-marks Registration Act, 1875,"* and hereafter shall have been made to the Manchester Branch in respect of cotton goods in classes 23, 24, and 25, whether registered, refused, lapsed, expired, withdrawn, abandoned, cancelled, or pending.

(12.) The Keeper of Cotton Marks shall, on request, and on production of a facsimile of the mark, and on payment of the prescribed fee, issue a certified copy of the application for registration of any cotton mark, setting forth in such certificate the length of time of user (if any) of such mark, as stated on the application, and any other particulars he may deem necessary.

(13.) As regards any rules or forms affecting cotton marks which are proposed by the Board of Trade to be made, the draft of the same shall be sent to the Keeper of Cotton Marks and also to the Manchester Chamber of Commerce. And the said Keeper, and also the said Chamber, shall, if they or either of them so request, be entitled to be heard by the Board of Trade upon such proposed rules before the same are carried into effect.

(14.) The existing practice whereby the Keeper of the Manchester Branch consults the Trade and Merchandise Marks Committee appointed by the Manchester Chamber of Commerce upon questions of novelty or difficulty arising on applications to register cotton marks shall be continued by the Keeper of Cotton Marks.

International and Colonial Arrangements.

65. The provisions of sections 103 and 104 of "The Patents, Designs, and Trade-marks Act, 1883"† (as amended by "The Patents, Designs, and Trade-marks (Amendment) Act, 1885‡,"

* Vol. LXVI, page 665.

† Vol. LXXIV, page 211.

‡ Vol. LXXVI, page 498.

relating to the registration of trade-marks both as enacted in such Acts, and as applied by any Order in Council made thereunder, shall be construed as applying to trade-marks registrable under this Act.

Offences.

66. If any person makes or causes to be made a false entry in the register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

67.—(1.) Any person who represents a trade-mark as registered which is not so, shall be liable for every offence on summary conviction to a fine not exceeding 5*l*.

(2.) A person shall be deemed, for the purposes of this enactment, to represent that a trade-mark is registered, if he uses in connection with the trade-mark the word “registered,” or any words expressing or implying that registration has been obtained for the trade-mark.

Royal Arms.

68. If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorized so to use the Royal Arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty or such member of the Royal Family, he may, at the suit of any person who is authorized to use such arms or such device, emblem, or title, or is authorized by the Lord Chamberlain to take proceedings in that behalf, be restrained by injunction or interdict from continuing so to use the same : Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade-mark containing any such arms, device, emblem, or title to continue to use such trade-mark.

Courts.

69. The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to trade-marks; and with

reference to any such proceedings in Scotland the term "the Court" shall mean the Court of Session; and with reference to any such proceedings in Ireland the term "the Court" shall mean the High Court of Justice in Ireland.

70. This Act shall extend to the Isle of Man, and—

(1.) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement or in any action or proceeding respecting a trade-mark competent to those Courts;

(2.) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding 100*l.*, at the discretion of the Court;

(3.) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

71. The Court of Chancery of the County Palatine of Lancaster shall, with respect to any action or other proceeding in relation to trade-marks, the registration whereof is applied for in the Manchester Branch, have the like jurisdiction under this Act as His Majesty's High Court of Justice in England, and the expression "the Court" in this Act shall be construed and have effect accordingly:

Provided that every decision of the Court of Chancery of the County Palatine of Lancaster in pursuance of this section shall be subject to the like appeal as decisions of that Court in other cases.

72. In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

Repeal. Savings.

73. The enactments described in the Schedule to this Act are repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees, or classification of goods made under any enactment so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Act until superseded by rules, tables of fees, or classification under this Act.

74. The provisions of sections 82 to 84 of "The Patents, Designs, and Trade-marks Act, 1883," as amended by any subsequent enactment shall continue to apply with respect to the administration at the Patent Office of the Law relating to the regis-

tration of trade-marks, and shall accordingly be construed as if this Act formed part of that Act.

SCHEDULE.

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict., c. 57	"The Patents, Designs, and Trade-marks Act, 1883"*	Sections 62 to 81, and, so far as they respectively relate to trade-marks, sections 85 to 99, 101, 102, 105, 108, and 111 to 117.
51 & 52 Vict., c. 50	"The Patents, Designs, and Trade-marks Act, 1888"†	Sections 8 to 20, and, so far as they respectively relate to trade-marks, sections 21 to 26.

*TREATY between Great Britain and the Ameer of Afghanistan
continuing the Engagements concluded with the late Ameer.—
Signed at Cabul, March 21, 1905.*

(Translation.)

HE is God! Extolled be his perfection!

His Majesty Siraj-ul-millat-wa-ud-din Amir Habibulla Khan, Independent King of the State of Afghanistan and its dependencies, on the one part, and the Honourable Mr. Louis William Dane, C.S.I., Foreign Secretary of the Mighty Government of India and Representative of the Exalted British Government, on the other part.

His said Majesty does hereby agree to this, that in the principles and in the matters of subsidiary importance of the Treaty regarding internal and external affairs, and of the engagements‡ which His Highness my late father, that is, Zia-ul-millat-wa-ud-din, who has found mercy, may God enlighten his tomb! concluded and acted upon with the Exalted British Government, I also have acted, am acting, and will act upon the same Agreement and compact, and I will not contravene them in any dealing or in any promise.

The said Honourable Mr. Louis William Dane does hereby agree to this, that as to the very Agreement and engagement which the

* Vol. LXXIV, page 211.

† Vol. LXXIX, page 824.

‡ Vol. XCV, pages 1048, 1049.

Exalted British Government concluded and acted upon with the noble father of His Majesty Siraj-ul-millat-wa-ud-din, that is, His Highness Zia-ul-millat-wa-ud-din, who has found mercy, regarding internal and external affairs, and matters of principle or of subsidiary importance, I confirm them and write that they (the British Government) will not act contrary to those Agreements and engagements in any way or at any time.

Made on Tuesday, the 14th day of Muharram-ul-haram of the year 1323 Hijri, corresponding to the 21st day of March, of the year 1905 A.D.

(L.S.) (Persian seal of Amir Habibulla Khan.)

This is correct. I have sealed and signed.

AMIR HABIBULLA.

LOUIS W. DANE, *Foreign Secretary,*
representing the Government of India.

*CONVENTION between Great Britain and Austria-Hungary providing for the Settlement by Arbitration of certain classes of Questions which may arise between the respective Governments.—Signed at London, January 11, 1905.**

[Ratifications exchanged at London, May 17, 1905.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, Signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899; †

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude the following Convention, and for that purpose have appointed their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-

* Signed also in the German and Hungarian languages.

† Vol. XCI, page 970.

Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, Count Albert Mensdorff-Pouilly-Dietrichstein, his Privy Councillor and Chamberlain, his Ambassador Extraordinary and Plenipotentiary to His Britannic Majesty;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899: Provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the High Contracting Parties, and do not concern the interests of third Parties.

II. In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

III. The present Convention shall be ratified, and the ratifications shall be exchanged as soon as possible at London.

It shall remain in force for five years from the fifteenth day after the date of the exchange of the ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at London, the 11th January, 1905.

(L.S.) LANSDOWNE.

(L.S.) ALB. MENSENDORFF.

*AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Royal Imperial Austrian Postal Administration concerning the Exchange of Money Orders.—Signed at ^{London, October 28} _{Vienna, November 10}, 1905.**

ART. I. Between the United Kingdom of Great Britain and Ireland and Austria (including the Austrian post offices in Turkey) there shall be a regular exchange of money orders.

* Signed also in German.

II.—1. Money orders may be remitted either by post or by telegraph, according to the desire of the sender; but telegraph money orders are not admissible in the service with the Austrian post offices in Turkey.

2. The exchange of money orders by post shall take place exclusively through the medium of offices of exchange to be designated by the contracting Administrations by mutual agreement.

III.—1. Money orders issued in the United Kingdom for payment in Austria shall be made out in crown currency, and those issued in Austria for payment in the United Kingdom shall be made out in sterling currency. The amount shall be paid into the post office by the senders in the currency of the country of issue; and the Administration of the country of issue shall itself determine the rate of conversion of the amounts into the currency of the country of payment. The Contracting Administrations shall communicate to each other the rate of conversion which they adopt in this connection, and also any changes which may be made in the rate.

2. Payments by and to the public on account of money orders shall take place according to the gold value of the money of the country of origin or of destination, as the case may be, and shall be made in the legal currency of the country concerned.

3. Money orders from the United Kingdom intended for payment at the Austrian post offices in Turkey, shall be converted into francs by the Austrian Administration according to the relative gold standard value of the crown and franc currency.

IV.—1. In the case of orders issued at post offices in the United Kingdom for payment in Austria, the maximum amount for a single order is fixed at 40*l.* sterling, and for orders sent in the reverse direction at 1,000 crowns.

2. In the issue of money orders no account shall be taken of any sum less than 1*d.* or 1 heller.

V.—1. The British Post Office and the Austrian Post Office shall each fix for itself the charges to be made for the money orders which it may issue; but the one Administration shall inform the other of the charges fixed and also of any alterations which may be made in the charges.

2. The Administration of the country of origin shall retain these charges, but shall credit the Administration of the country of destination with one-half of 1 per cent. on the total amount of such of the money orders as are paid in its territory.

3. The sender of a telegraph money order has to pay, besides the charge mentioned in the 1st paragraph of this Article, the charge for the money order telegram.

VI. The sender of a money order shall be permitted to require the return of the amount, or to make corrections with regard to the

name or address of the receiver, so long as the order remains unpaid, and provided that the amount has not already reverted to the country of origin under the provisions of Article VII. Before the amount of a money order is repaid to the sender it must be ascertained that the Administration of the country of destination has not paid, and will not pay, the money order.

VII. The amounts of money orders which have not been claimed by the payees shall, after the expiration of the limit of time prescribed under the regulations of the country of origin, revert to the Administration of that country.

VIII. In cases of fictitious telegraph orders ostensibly issued in one of the contracting countries, and paid in the other, the responsibility for any losses involved shall be shared equally by the Austrian and British Postal Administrations, if it be found impossible to determine in which of the two countries a fraud may have been committed. The two Administrations shall in like manner share any loss which may be incurred through a fraud or an error in connection with the transmission of a telegram of advice over the telegraph lines of an intermediate country or a cable company.

IX.—1. The accounts relating to the exchange of money orders between the Contracting Administrations shall be prepared by the Austrian Post Office. The precise conditions governing the preparation of these accounts are specified in the Detailed Regulations provided for in the following Article XIII.

2. The balances of the accounts shall be settled through the medium of the Account Division of the International Bureau of the Postal Union. For this purpose, the amount to the credit of each Administration shall be converted into franc currency according to the gold standard (100 crowns = 105 fr. 01·4 c.; 10% = 252 fr. 21·5 c.).

X. For the issue and payment of money orders exchanged between the Contracting Administrations, the internal regulations of each country shall apply in so far as no other regulations are made under this Agreement and the relative Detailed Regulations.

XI. Should the Austrian Post Office desire to send money order remittances through the medium of the British Post Office to any of the foreign countries, British Colonies, &c., with which the British Post Office transacts money order business, it shall be at liberty to do so under the conditions set forth in Article XIII of the Detailed Regulations; and should the British Post Office in like manner desire to send money order remittances through the medium of the Austrian Post Office to any countries with which the Austrian Post Office transacts money order business, it shall be at liberty to do so under similar conditions.

XII. Each of the two Administrations shall have power to

suspend for a time money order transactions with the other Administration in extraordinary circumstances of a kind that would justify the measure, on condition of giving immediate notice thereof, by telegraph if necessary, to the other Administration.

XIII. Measures of detail and regulation necessary for carrying out this Agreement shall be mutually settled by the Contracting Administrations.

XIV. This Agreement shall be deemed to have come into force as from the 1st of April, 1904, and shall be terminable by either Contracting Party at any time on giving six months' notice.

On the day of the completion of the present Agreement, the Money Order Agreement dated the 3rd, 12th, and 17th June, 1885,* as well as all Additional Articles to that Agreement, shall terminate.

Executed in duplicate and signed, in London on the 28th October, 1905; in Vienna on the 10th November, 1905.

(L.S.) STANLEY.

(L.S.) HOFFMAN.

[Detailed Regulations not printed.]

CONVENTION between Great Britain and China, respecting the Junction of the Chinese and Burmese Telegraph Lines, being a Revision of the Convention of September 6, 1894.†—Signed at Peking, May 23, 1905.‡

ART. I. The Government of His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the Government of His Majesty the Emperor of China, with a view to facilitating international telegraph communication, have resolved to revise the existing Agreement regarding the exchange of telegraphic correspondence over the lines of the two States on the frontier of Burmah and Yunnan.

II. The junction on the frontier remains as hitherto between the British station at Bhamo and the Chinese station at T'êngyüeh (Momein), and an intermediate station will continue to be maintained at Manwyne.

III. The Indian and the Chinese Administrations shall maintain in good condition the line of connection, and shall exchange the correspondence by wire between the two stations named in Article II,

* Vol. LXXVI, page 68.

† Vol. LXXXVI, page 56.

‡ Signed also in the Chinese language.

or between any other two stations hereafter mutually agreed upon.

Each of the Contracting Parties shall bear the expense incurred for these purposes on its own territory, and will take care that the boundaries between the territories of the two Governments are scrupulously respected.

IV. The rules laid down in the Service Regulations of the International Telegraph Convention* shall be observed with regard to the technical treatment of telegrams transmitted over the line of connection described in Article II.

When the senders of telegrams do not expressly indicate the route by which they wish their telegrams to be forwarded, it is understood that at lower rates all limitrophe correspondence and at equal rates half the limitrophe correspondence shall be forwarded viâ the line of connection described in Article II, provided that the alternative routes are in equally good working order.

V. Each of the Contracting Parties fixes the charges for transmission of telegrams by its lines up to the frontier of its own territory.

VI. The following charges per word are declared for correspondence exchanged viâ the line of communication described in Article II:—

1.—INDIAN TELEGRAPH ADMINISTRATION.

A. Terminal Charges.†

[For telegrams exchanged with places in China.]

			Fr. c.
1. From stations in Burmah to the Chinese frontier	..	..	0 10
2. From stations in India to the Chinese frontier	..	..	0 35
3. From stations in Ceylon to the Chinese frontier	..	..	0 45

B. Transit Charges.

Between the Chinese-Burmese frontier and all other frontiers.. 0 35

2.—CHINA.

A. Terminal Charges.

1. For telegrams exchanged with Europe and countries beyond Europe (except America)	..	..	..	..	..	3 36
2. For telegrams exchanged with America	..	..	..	..	..	4 86

* Vol. XCVII, page 736.

† The following additions were made by arrangement with the Chinese Government in 1907:—

[For telegrams exchanged with places beyond China.]

			Fr. c.
4. From stations in Burmah to the Chinese frontier	..	..	0 575
5. From stations in India to the Chinese frontier	..	..	0 825
6. From stations in Ceylon to the Chinese frontier	..	..	0 940

Fr. c.

- | | |
|--|------|
| 3. For telegrams exchanged between all other countries on the one side and stations on the Yang-tsze or south of the Yang-tsze on the other side | 1 00 |
| 4. For telegrams exchanged between all other countries on the one side and stations situated to the north of the Yang-tsze | 1 50 |
| 5.—(a.) For telegrams exchanged between Burmah, India, and Ceylon on the one side and the Province of Yünnan on the other side | 0 50 |
| (b.) For <i>bonâ fide</i> British and Chinese Government telegrams between Burmah, India, and Ceylon on the one side and the Province of Yünnan on the other side .. | 0 25 |

B. Transit Charges.

- | | |
|--|------|
| 1. For telegrams exchanged between Europe and countries beyond Europe (except America) on the one side, and all countries beyond China on the other side | 3 36 |
| 2. For telegrams exchanged between America on the one side and all countries beyond China on the other side | 4 86 |
| 3. For all other telegrams between the Burmese-Chinese frontier and— | |
| (a.) Shanghae or frontier stations south of the Yang-tsze | 1 25 |
| (b.) All other frontiers | 1 50 |

The charges established for telegrams exchanged between China on the one side, and Burmah, India, and Ceylon on the other side, are solely for correspondence actually exchanged between the named neighbouring countries, and the Chinese, European, and American correspondence cannot be retelegraphed at these rates by private agencies or persons at intermediate stations.

If during the course of operation of this Convention the rates of China or of the Telegraph Companies operating in China be diminished for telegrams exchanged for the whole of China, including Hong Kong, with Europe and the countries beyond Europe, China undertakes simultaneously and in the same proportion, to lower her present terminal and transit rates for such telegrams on their transmission along the Burmah-Yünnan line.

VII. The checking of the amount of correspondence exchanged viâ the line of connection, shall take place daily by wire between the stations named in Article II.

The settlement of accounts shall take place at the end of each month, and the resulting balance shall be paid one month after the end of the month in account to the Indian Telegraph Administration at Calcutta or to the Chinese Telegraph Administration at Shanghae.

The month shall be reckoned according to the European Calendar. Telegrams referring to the settlement of accounts shall be considered as service telegrams and transmitted free of charge.

VIII. The collection of the charges at all the stations of the Chinese Telegraph Administration, according to the rates fixed in Article VI of the present Convention in gold francs, as well as the liquidation of the mutual accounts, shall be made in Mexican dollars according to the actual rate of exchange between this coin and the franc.

This rate of exchange shall be agreed upon between the Telegraph Administrations of the Contracting Governments during the month preceding each quarter on the basis of the average rate of exchange during the three months preceding that during which the rate is fixed.

As regards outpayments to Telegraph Administrations beyond China and India, the Chinese and Indian Telegraph Administrations will communicate to each other their accounts, and this amount the two Administrations will be at liberty to collect and settle at such rates as may protect them from loss.

IX. The present Convention shall come into force on the 1st day of June, 1905, and shall, unless otherwise mutually agreed upon, remain in force for ten years, and thereafter until twelve months after one of the Contracting Parties shall have given notice of its intention to modify or to abrogate it.

In witness whereof the Undersigned, duly authorized to this effect, have signed the present Convention.

Done at Peking in the English language and in the Chinese language. Three expeditions duly compared and found to be in agreement have been signed in each of these languages on the 23rd day of May, 1905, corresponding with the 20th day of the fourth moon of the 31st year of the reign of Kuang Hsü.

(L.S.) ERNEST SATOW.

(Signature and Seal of the
Chinese Plenipotentiary.)

*CONVENTION between Great Britain and Denmark, providing for the Settlement by Arbitration of certain classes of Questions which may arise between the two Governments.—Signed at London, October 25, 1905.**

[Ratifications exchanged at London, May 4, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor

* Signed also in the Danish language.

of India, and His Majesty the King of Denmark, Signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899 ;*

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment

Have named as their Plenipotentiaries to conclude the following Arrangement :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs ; and

His Majesty the King of Denmark, Mr. Frants Ernst de Bille, his Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at London, Grand Cross of the Order of Danebrog, and decorated with the Silver Cross of the same Order, &c. ;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows :—

ART. I. Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899 : Provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third parties.

II. In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

III. The present Convention, which shall be ratified, is concluded for a period of five years, dating from the exchange of ratifications, which shall take place at London as soon as possible.

Done in duplicate at London, the 25th day of October, 1905.

(L.S.) LANSDOWNE.

(L.S.) BILLE.

*AGREEMENTS between Great Britain and France, referring to Arbitration the Question of the Grant of the French Flag to Muscat Dhows.—Signed at London, October 13, 1904, and January 13, 1905.**

[Ratifications of this Agreement exchanged at London,
January 18, 1905.]

WHEREAS the Government of His Britannic Majesty and that of the French Republic have thought it right, by the Declaration of the 10th March, 1862,† “to engage reciprocally to respect the independence” of His Highness the Sultan of Muscat;

And whereas difficulties as to the scope of that Declaration have arisen in relation to the issue, by the French Republic, to certain subjects of His Highness the Sultan of Muscat of papers authorizing them to fly the French flag, and also as to the nature of the privileges and the immunities claimed by subjects of His Highness who are owners or masters of dhows and in possession of such papers or are members of the crew of such dhows and their families, especially as to the manner in which such privileges and immunities affect the jurisdiction of His Highness the Sultan over his said subjects;

The Undersigned, being duly authorized thereto by their respective Governments, hereby agree that these questions shall be determined by reference to arbitration, in accordance with the provisions of Article I of the Convention concluded between the two countries on the 14th October last,‡ and that the decision of The Hague Tribunal shall be final.

It is also hereby agreed as follows:—

ART. I. Each of the High Contracting Parties shall nominate one Arbitrator, and these two Arbitrators shall together choose an Umpire; if they cannot agree within one month from the date of their appointment the choice of an Umpire shall be intrusted to His Majesty the King of Italy. The Arbitrators and the Umpire shall not be subjects or citizens of either of the High Contracting Parties, and shall be chosen from among the members of The Hague Tribunal.

II. Each of the High Contracting Parties shall, within three months from the signature of this Agreement, deliver to each member of the Tribunal hereby constituted, and to the other Party, a written or printed Case setting forth and arguing its claims, and

* Signed also in the French language.

† Vol. LVII, page 785.

‡ Vol. XCVI, page 35.

a written or printed file containing the documents or any other evidence in writing or print on which it relies.

Within three months of the delivery of the above-mentioned Cases, each of the High Contracting Parties shall deliver to each member of the Tribunal, and to the other Party, a written or printed Counter-Case, with the documents which support it.

Within one month after the delivery of the Counter-Cases, each Party may deliver to each Arbitrator and to the other Party a written or printed Argument in support of its contentions.

The time fixed by this Agreement for the delivery of the Counter-Case and Argument may be extended by the mutual consent of the High Contracting Parties.

III. The Tribunal will meet at The Hague within a fortnight of the delivery of the Arguments.

Each Party shall be represented by one Agent.

The Tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either Agent an oral or written statement, but in such case the other Party shall have the right to reply.

IV. The decision of the Tribunal shall be rendered within thirty days of its meeting at The Hague, or of the delivery of the statements which may have been supplied at its request, unless, on the request of the Tribunal, the Contracting Parties shall agree to extend the period.

V. On all points not covered by this Agreement, the provisions of the Convention of The Hague of the 29th July, 1899,* shall apply.

Done in duplicate at London, the 13th day of October, 1904.

(L.S.) LANSDOWNE.

(L.S.) PAUL CAMBON.

Supplementary Agreement.—January 13, 1905.

THE formation of the Arbitral Tribunal established by the Agreement signed at London on the 13th October, 1904, having been delayed for some days by circumstances beyond the control of the High Contracting Parties, the Government of His Britannic Majesty and the Government of the French Republic have agreed that it is desirable to avail themselves of the power granted to them by paragraph 4 of Article II of the said Agreement to extend the period fixed for the delivery of the Case.

They therefore hereby agree to fix the 1st February as the date on which the Case or documents shall be delivered by the Parties to the members of the Arbitral Tribunal and the two Governments concerned.

* Vol. XCI, page 970.

It is also agreed that the successive periods fixed by Article II of the Agreement for the several stages of the procedure in the arbitration shall date from the 1st February instead of from the 13th January, the date fixed by the terms of the Agreement signed by Lord Lansdowne and M. Paul Cambon on the 13th October, 1904.

Done in duplicate at London, the 13th day of January, 1905.

(L.S.) LANSDOWNE.

(L.S.) PAUL CAMBON.

*CONVENTION between Great Britain and France, respecting Commercial Relations between France and the British Protectorates of East Africa, Central Africa, and Uganda.—Signed at London, February 23, 1903.**

[Ratifications exchanged at London, March 27, 1905.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, desiring to facilitate the commercial relations between France and the British Protectorates of East Africa, Central Africa, and Uganda, have resolved to conclude a Convention to that effect, and have named as their respective Plenipotentiaries :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, Principal Secretary of State for Foreign Affairs ;

And the President of the French Republic, M. Paul Cambon, Ambassador of the French Republic at London ;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows :—

ART. I. The following Colonial products : coffee, cocoa, pepper, pimento, amomums and cardamoms, cinnamon, cassia lignea, nutmegs, mace, cloves, vanilla, and tea, produce of the said British Protectorates, shall enjoy, on importation into France, Algeria, French Colonies and possessions, and the Protectorates of Indo-China and Tunis, the lowest customs duties applicable to similar products of any other foreign origin.

* Signed also in the French language.

II. Reciprocally, the natural and manufactured products of France, Algeria, French Colonies and possessions, and the Protectorates of Indo-China and Tunis, shall enjoy without restriction or reserve, on importation into the said British Protectorates, the lowest customs duties applicable to similar products of other foreign origin.

III. The certificates of origin which may be required for the admission of goods to the preferential conditions stipulated in the present Convention shall be *visé* by French Consuls and by British Consuls without levying Consular fees.

IV. The present Convention shall be ratified by the two Governments as soon as possible, and the ratifications shall be exchanged at London. It shall come into effect immediately after the exchange of ratifications, and shall remain in force until the expiration of a year from the day on which one of the High Contracting Parties shall have announced the intention of terminating it.

In witness whereof the above-mentioned Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at London, in duplicate, the 23rd day of February, 1903.

(L.S.) LANSDOWNE.

(L.S.) PAUL CAMBON.

*AGREEMENT between Great Britain and France, relative to the Arbitral Tribunal and the Inquiries into the Claims for Indemnity contemplated by Article III of the Convention of April 8, 1904, respecting Newfoundland.—Signed at London, April 7, 1905.**

THE Government of His Britannic Majesty and the Government of the French Republic, having entered upon the negotiation contemplated in Article III of the Convention of the 8th April, 1904,† with regard to Newfoundland and Africa, for the purpose of settling the details relative to the constitution of an Arbitral Tribunal, as well as the conditions of the inquiries to be instituted for the purpose of substantiating the claims formulated in accordance with the provisions of the said Article, have agreed on the following points:—

* Signed also in the French language.

† Vol. XCVII, page 31.

1. Within fifteen days at latest after the signature of the present Agreement, each of the two Governments shall acquaint the other with the name of the naval officer selected by them to take part in the Arbitral Tribunal.

2. The Tribunal shall meet at Paris within thirty days after the last of the notifications indicated above.

3. On the meeting of the Arbitral Tribunal, all the indemnity claims shall be presented to it by the Agent whom the French Government shall have selected for this purpose.

The claimants may produce Memoranda in support of their claims, and His Majesty's Government, on their side, may, through the Agent whom they shall appoint for the purpose, be entitled to submit to the Tribunal Memoranda dealing with those claims. The Arbitral Tribunal shall have the right of calling for supplementary explanations or of hearing witnesses who may be in a position to furnish it with useful information.

4. The Arbitrators shall decide without appeal on claims as to which they may come to an agreement.

5. In the cases in which there is a divergence of opinion, the Tribunal shall transmit to each Government a joint report, stating in detail the points on which the Arbitrators differ, and the grounds of disagreement; any such difference shall be referred to an Umpire chosen by the two Arbitrators.

Should they not agree, the selection of the Umpire shall be intrusted to a third Power, named by mutual consent by the British and French Governments.

Should no agreement be arrived at on this point, each Government shall choose a different Power, and the selection of the Umpire shall be made by agreement between the Powers thus chosen.

The Umpire must be of a different nationality from that of the two Arbitrators.

His Awards shall be without appeal.

6. At the request of either of the Arbitrators, they and, if necessary, the Umpire shall be empowered to proceed either to St. Pierre and Miquelon, or to Newfoundland, to hear the parties, and proceed to any examination of evidence on either side which they may deem necessary.

7. A Secretary as interpreter shall be assigned to each Arbitrator.

8. Each of the two Governments shall bear the cost of the mission of their Arbitrator and their Agent; the honorarium of the Umpire, if one is appointed, and the general expenses of the Tribunal and of the Umpire, shall be equally divided between the two Governments.

In witness whereof the Undersigned, duly authorized, have drawn up the present Act, and have affixed thereto their seals.

Done in duplicate at London, the 7th April, 1905.

(L.S.) LANSDOWNE.

(L.S.) GEOFFRAY.

*CONVENTION between Great Britain and France, respecting
Telegraphic Communication between Mauritius and Réunion.
—Signed at Paris, December 6, 1905.**

[Ratifications exchanged at Paris, January 10, 1906.]

THE Government of His Britannic Majesty and the Government of the French Republic, being desirous of promoting telegraphic communication between the Island of Réunion and the Island of Mauritius, the Undersigned, duly authorized for the purpose, have agreed upon the following:—

ART. I. The French Government will establish at their own cost a submarine telegraph cable between the Island of Réunion and the Island of Mauritius.

II. The section of cable situate in the territorial waters of the Island of Mauritius is ceded to the British Colonial Government in full ownership on the condition that the Government of the Republic shall have the right to take it up at the expiration of the Convention.

III. The landing place of the cable and the direction which it shall follow in the territorial waters of the Island of Mauritius shall be determined by mutual agreement between the Representatives of the French Administration and the local authorities of the Island of Mauritius.

IV. The landing place and the course of the cable in the territorial waters of Mauritius may be changed by mutual agreement, either in the interest of navigation or in the interest of the preservation of the conductor.

V. The French Government shall be responsible for the maintenance of the cable from Mauritius to Réunion, including the section laid between the limit of the territorial waters of Mauritius and the cable hut at the landing place.

VI. The British Colonial Government shall take the necessary measures to assure the connection of the cable hut where the cable

* Signed also in the French language.

shall be landed with the office at which it shall be worked, as well as the maintenance of the land line.

VII. The Contracting Parties engage to make the necessary arrangements, and to make good, each so far as it is concerned, interruptions of communication between Réunion and Mauritius.

VIII. The British Colonial Government shall take the necessary measures to assure the working in Mauritius of the cable from Réunion.

IX. The rates proper to the cable from Réunion to Mauritius shall belong entirely to the French Government, the terminal or transit rate in respect of the working of the cable in the Island of Mauritius being limited to a sum not exceeding 20 centimes per word.

X. The correspondence exchanged by means of the Réunion-Mauritius cable shall be subject to the provisions of the Convention of St. Petersburg (1875)* and of the International Telegraph Regulations in force.†

XI. The details respecting the routing of the traffic and the working of the cable shall form the subject of direct arrangements between the two parties concerned.

XII. The Réunion-Mauritius cable referred to in Article I must be laid and opened for traffic within two years' time from the ratification of the present Convention.

XIII. The present Convention is concluded for a period of twenty-five years from the opening of the cable for traffic; it shall thenceforth remain in force until the expiration of a year from the day on which it shall have been denounced by one of the Contracting Parties.

XIV. The present Convention shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible.

In witness whereof his Excellency the Right Honourable Sir Francis Bertie, Ambassador Extraordinary and Plenipotentiary of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, to the President of the French Republic, and his Excellency M. Maurice Rouvier, President of the Council, Senator, Minister for Foreign Affairs of the French Republic, have signed the present Convention, and have affixed thereto their seals.

Done at Paris, the 6th day of December, 1905.

(L.S.) FRANCIS BERTIE.

(L.S.) ROUVIER.

* Vol. LXVI, page 19.

† See Vol. XCVII, page 736.

*DECLARATIONS between Great Britain and Greece with respect to Commercial Matters. — Signed at Athens, November $\frac{10}{3}$, 1904, and May $\frac{4}{17}$, 1905.**

Declaration.

THE Government of His Britannic Majesty and the Government of His Majesty the King of the Hellenes,

Being desirous of making certain modifications in the Agreements at present existing between them,

Have authorized the Undersigned to conclude the following Arrangement:—

1. The Government of His Britannic Majesty being of opinion that the Greek Currant Retention Law and "Land Tax and Export Duty on Currants" Law are inconsistent with the stipulation contained in Article II, paragraph 2, of the Commercial Agreement between the Governments of the United Kingdom and Greece of 1890† are ready to withdraw their protest against these measures in return for the concessions hereinafter indicated.

2. The Government of His Hellenic Majesty being desirous of arriving at a satisfactory settlement on this point with the Government of His Britannic Majesty, engage to recommend to the Legislature in favour of goods of British origin or manufacture the reductions of the duties laid down in the Customs Tariff, as specified in the annexed document.

3. The Government of Newfoundland agree to recommend to the Parliament of Newfoundland the admission duty free of currants and sultanas the produce of the Hellenic Kingdom imported into Newfoundland in return for the reduction by the Greek Government of the duty on Newfoundland codfish imported into Greece to 5 fr. per 100 okes.

4. It is understood that the Colonies, Possessions, and Protectorates of His Britannic Majesty which are at present parties to the Commercial Treaty of the 10th November, 1886,‡ shall each of them separately have the power of withdrawing at any time from that Convention on giving twelve months' previous notice of their intention so to do.

5. In addition to the foregoing stipulations the two Governments agree that during the existence of the Commercial Treaty of 1886 and the Commercial Agreement of 1890 as modified by the Declara-

* Signed also in the Greek language.

† Vol. LXXXII, page 11.

‡ Vol. LXXVII, page 100.

tion of the 16th June, 1890,* and the present Declaration, the goods produced or manufactured in any part of the British Empire shall enjoy in the dominions of His Hellenic Majesty complete and unconditional most-favoured-nation treatment so long as such Possession, Colony, or Protectorate shall accord to goods of Greek origin and manufacture treatment as favourable as it gives to the goods the produce or manufacture of any other foreign country.

6. As soon as notice is given† by His Hellenic Majesty's Government that this Declaration has obtained legislative sanction in Greece, His Britannic Majesty's Government will withdraw their protest against the measures mentioned in Article 1.

7. The Commercial Treaty of 1886, the Commercial Agreement of 1890 as modified by the Declaration of the 16th June, 1890, and by the present Declaration, and the present Declaration itself, shall remain in force for five years from the date on which the Hellenic Government shall have notified that this Declaration has obtained legislative sanction in Greece, and thereafter until the expiration of a year from the day on which one or other of the Contracting Parties shall have repudiated them.

Each of the Contracting Parties reserves, however, the right of causing them to terminate at the end of the fifth year upon twelve months' notice being given previously.

Signed at Athens, in duplicate, the ^{10th}/_{23rd} November, 1904.

(L.S.) FRANCIS E. H. ELLIOT.

(L.S.) A. ROMANOS.

* Vol. LXXXII, page 14.

† Notice was given by the Greek Government to His Majesty's Minister at Athens on the 25th July, 1905, that this Declaration, as well as the Supplementary Declaration of the 17th May, 1905 (see page 55), had been approved by the Greek Legislature.

ANNEX.

Modifications in the Greek Customs Tariff in favour of British Goods Imported into Greece.

Class in Tariff.	Description of Articles.	Duty in Metallic Drachmas reduced—	
		From—	To—
11 b	Herrings 100 okes	20·00	7·68
13	Cod and stockfish "	11·36½	5·00
139	Confectionery of all kinds, of honey or of sugar "	300·00	38·40
	<i>Note.</i> —From the above class of the Tariff, are excepted Halva and Rahat-Lakoum, as well as similar articles specially mentioned in the Tariff in force at the date of the signature of the Anglo-Greek Declaration of 1904.*		
142	Biscuits (galettes), "gimblettes," &c., with sugar or butter or both; and crackers, with or without sugar or butter; and all similar goods including "pâte à kataïf" 100 okes	80·00	40·00
143†			
156	Cotton threads for sewing, wound on cards or bobbins or in skeins, white, unbleached or dyed, twisted or corded or not, without tare allowance as regards cards "	150·00	100·00
159 c	Dyed cotton tissues for linings "	120·00	100·00
168 c	Carpets of hemp or jute "	80·00	40·00
185	Tissues of wool or other animal hair (poil) not specially mentioned, of any colour or make, having the warp or woof entirely or in great part of cotton, and weighing more than 450 grammes per square metre; and satin of wool and cotton "	130·00	100·00
203	Coarse hempen tissues "	30·00	15·00
	<i>Note.</i> —Coarse tissues of jute for making sacks are included in the above class of the Tariff.		

Supplementary Declaration.—May 4th, 1905.

The Undersigned, duly authorized thereto by their respective Governments, have agreed to the following alteration in, and

* See Declaration of the 4th May, 1905, as to alteration in the reading of this note, page 56.

† See addition made by Declaration of the 4th May, 1905, page 56.

addition to, the Annex to the Declaration of the ^{10th}/_{23rd} November, 1904.

Alteration.

The note to Class 139 to read as follows :—

Note.—From the above class of the Tariff are excepted Halva and Rahat-Lakoum as well as similar articles specially mentioned in the Tariff in force at the date of the signature of the Anglo-Greek Declaration of 1904, and chocolate, chocolate and other creams, candied fruits and all kinds of fondants.

Addition.

Class 143. Fruit preserved in vessels hermetically sealed; fruit preserved in wine or spirits or solution of sugar; as well as marmalades and jams, jellies, and other articles not specially mentioned.

				Duty in Metallic Drachmas reduced—	
				From—	To—
1 oke..	..	..	..	2·00	1·00

Done in duplicate at Athens, the $\frac{4}{17}$ th May, 1905.

(L.S.) FRANCIS E. H. ELLIOT.

(L.S.) A. SKOUSÈS.

AGREEMENT between the Post Office of Great Britain and the Hungarian Postal Administration, concerning the Exchange of Money Orders.—Signed at ^{London, October 28} ^{Budapest, November 16¹} *1905.**

ART. I. BETWEEN the United Kingdom of Great Britain and Ireland and Hungary, there shall be a regular exchange of money orders.

II.—1. Money orders may be remitted either by post or by telegraph, according to the desire of the sender.

2. The exchange of money orders by post shall take place exclusively through the medium of offices of exchange, to be designated by the Contracting Administrations by mutual agreement.

* Signed also in the Hungarian language.

III.—1. Money orders, whether ordinary or telegraph, issued in the United Kingdom for payment in Hungary, shall be made out in crowns and fillers; and those issued in Hungary for payment in the United Kingdom shall be made out in sterling currency. The amounts of money orders paid into the post office by the remitters shall be converted into the metallic money of the country of destination, the rate of conversion being fixed by the Administration of the country of issue. Payment may be effected in coin or in paper money in legal circulation in the country of destination on condition that due allowance is made for any difference in exchange value.

2. The Contracting Administrations shall communicate reciprocally the rate of conversion which is adopted in one country for the amounts of money orders payable in the other country, and also any changes which may be made in this respect.

IV.—1. In the case of orders issued at post offices in the United Kingdom for payment in Hungary the maximum amount for a single order is fixed at 40% sterling, and for orders sent in the reverse direction 1,000 crowns.

2. In the issue of money orders no account shall be taken of any sum less than 1 filler or 1d.

V.—1. Each Administration shall fix for itself the charges to be made for the money orders which it may issue for payment in the other country. The Contracting Administrations shall communicate reciprocally the charges fixed, and also any alterations which may be made in those charges.

2. The Administration of the country of origin shall retain the charges, but shall credit the other Administration with one-half of 1 per cent. on the total amount of the money orders as are paid by the country of destination.

3. The sender of a telegraph money order has to pay, besides the ordinary charges, the charge for the money order telegram.

VI. The sender of a money order shall be permitted to require the return of the amount or to make corrections with regard to the name or address of the payee so long as the order remains unpaid, and provided that the amount has not already reverted to the country of origin under the provisions of Article VII. Repayment of the amount of a money order to the sender shall only take place after it has been ascertained that the Administration of the country of destination has not paid and will not pay the amount in question.

VII. The amounts of money orders which have not been claimed by the payees after the expiration of the limit of time prescribed under the regulations of the country of origin, shall revert to the Administration of that country.

VIII. In the cases of fictitious orders ostensibly issued in one of the contracting countries and paid in the other, the responsibility for any losses involved shall be shared equally by the British and Hungarian Postal Administrations if it be found impossible to determine in which of the two countries a fraud may have been committed. The two Administrations shall in like manner share any loss which may be incurred through a fraud or an error in connection with the transmission of a telegram of advice over the telegraph lines of an intermediate country or a cable company.

IX.—1. The accounts relating to the exchange of money orders between the United Kingdom and Hungary shall be prepared by the Hungarian Post Office. The Detailed Regulations provided for in the following Article XIII contain the conditions governing the preparation of the accounts in question.

2. The balances of the accounts shall be settled through the medium of the Account Division of the International Bureau of the Postal Union. For this purpose the amount to the credit of each Administration shall be converted into franc currency according to the gold standard (100 crowns = 105 fr. 01·4 c.; 10l. = 252 fr. 21·5 c.).

X. In all the circumstances not provided for by the present Agreement and the relative Detailed Regulations, the money order service between the United Kingdom and Hungary shall be subject to the internal regulations of the country concerned.

XI. Should the Hungarian Post Office desire to send money order remittances through the medium of the British Post Office to any of the foreign countries, British Colonies, &c., with which the British Post Office transacts money order business, it shall be at liberty to do so under the conditions set forth in Article XIII of the Detailed Regulations; and should the British Post Office in like manner desire to send money order remittances through the medium of the Hungarian Post Office to any countries with which the Hungarian Post Office transacts money order business, it shall be at liberty to do so under similar conditions.

XII. Each of the two Administrations shall have power, in extraordinary circumstances of a kind that would justify the measure, to suspend for a time money order transactions with the other Administration on condition of giving immediate notice thereof, by telegraph if necessary, to the other Administration.

XIII. Measures of detail for carrying out this arrangement shall be mutually settled by the contracting Administrations.

XIV. This Agreement shall be deemed to have come into force as from the 1st April, 1904, and shall be terminable by either Contracting Party at any time on giving six months' notice.

On the day of the completion of the present Agreement, the

Money Order Agreements dated the 3rd, 12th, and 17th June, 1885,* as well as all Additional Articles to that Agreement, shall terminate.

Executed in duplicate and signed in London, on the 28th October, 1905; in Budapest, on the 16th November, 1905.

(L.S.) STANLEY.

(L.S.) PIERRE DE SZALAY.

[Detailed Regulations not printed.]

CONVENTION between Great Britain and the Netherlands, providing for the Settlement by Arbitration of certain Classes of Questions which may arise between the two Governments.—Signed at London, February 15, 1905.†

[Ratifications exchanged at London, July 12, 1905.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and HER Majesty the Queen of the Netherlands, Signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;‡

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have named as their Plenipotentiaries to conclude the following Arrangement:

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

HER Majesty the Queen of the Netherlands, Karel Willem Paul Frans Baron Gericke van Herwijnen, her Envoy Extraordinary and Minister Plenipotentiary at London, Chamberlain Extraordinary:

* Vol. LXXVI, page 68.

† Signed also in the Dutch language.

‡ Vol. XCI, page 970.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:—

ART. I. Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899: Provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third parties.

II. In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

III. The present Convention, which shall be ratified, is concluded for a period of five years, dating from the exchange of the ratifications, which shall take place at London as soon as possible.

Done in duplicate at London, the 15th day of February, 1905.

(L.S.) LANSDOWNE.

(L.S.) GERICKE.

AGREEMENT between the General Post Office of Great Britain and the General Post Office of the Dutch East Indies, for the Exchange of Money Orders.—Signed at Batavia, March 30
London, June 3
1905.*

ART. I. Between the United Kingdom of Great Britain and Ireland on the one part, and the Dutch East Indies on the other part, there shall be a regular exchange of money orders.

II. The money order service between the contracting countries shall be performed exclusively by the agency of offices of exchange. On the part of the United Kingdom the office of exchange shall be the Money Order Department, General Post Office, London, and on the part of the Dutch East Indies the General Post Office of Batavia.

III. The post offices of the two contracting countries shall have the power to fix, by mutual agreement, the maximum amount for single money orders issued in their respective countries. This maximum

* Signed also in the Dutch language.

shall not, however, exceed 20% or the nearest practical equivalent to that sum in the money of the country of issue.

IV. The post offices of the United Kingdom and the Dutch East Indies shall each have power to fix, from time to time, the rate of commission to be charged on all money orders they may respectively cause to be issued; such power to include a right to fix the rate of exchange between the issuing office and the remitter. The commission, together with any profit that may arise from the rate of exchange, shall belong to the issuing office; but the British Post Office shall pay to the Post Office of the Dutch East Indies one-half of 1 per cent. on the amount of money orders drawn by it on the Dutch East Indies, and the Post Office of the Dutch East Indies shall make a like payment to the British Office for money orders drawn by it on the United Kingdom. Each Office shall inform the other what commission it may determine to levy and what alterations it may from time to time make in that commission.

V. In the accounts between the two chief Offices, the conversion of the money of the two countries shall be made in accordance with the average rate of exchange, which, until otherwise mutually agreed to, shall be taken at 12 fl. 10 c. to the pound sterling.

VI. In the payment of money orders to the public, no account shall be taken of any fraction of a *1d.* or of a cent.

VII. The applicant for every money order shall be required to furnish, if possible, the full surname and Christian name (or at least the initial of one Christian name) both of the remitter and of the payee, or the name of the firm or company who are the remitters or payees and the address of the remitter and payee. If, however, a Christian name or initial cannot be given, an order may nevertheless be issued at the remitter's risk.

VIII. In the event of a money order miscarrying or being lost, a duplicate shall be granted by the post office of the country where the original order was payable, provided that the application be made within the period and in accordance with the rules adopted by such office.

In all such cases the office which issued the duplicate shall be authorized to demand an additional commission, unless there is reason to believe that the original order has been lost in transmission through the post.

IX. Each office shall be authorized to repay the amount of a money order to the remitter on learning from the other office that the sum has not already been paid in due course, and that the latter office authorizes the repayment.

X. Orders shall be payable in each country for twelve months after the expiration of the month of issue. The amounts of all money orders not paid before the expiration of that term shall

revert to and remain the property of the Administration of the country of issue.

XI. The two offices of exchange shall communicate to each other by each available mail the sums received in each of the two countries for payment to the other. They shall use for this purpose the form of list in the Appendix "A."

In order to prevent inconvenience in case the original lists should be lost, each office shall forward by the following mail a duplicate of the list sent by the preceding mail.

A blank list shall be transmitted in case there shall be no money orders to announce.

XII. Every money order entered upon the lists shall bear a number (to be known as the International Number), commencing each month with No. 1.

Similarly each list shall bear a serial number, commencing each year with No. 1.

XIII. The receipt of each list shall be acknowledged on either side by means of the first subsequent list forwarded in the opposite direction; and the lists which shall fail to be received shall be immediately applied for by the office of exchange to which they should have been sent. The dispatching office of exchange shall in such case transmit without delay to the receiving office of exchange a duplicate list certified as such.

XIV. The lists shall be carefully verified by the office of exchange to which they are sent and corrected when they contain simple errors.

Any correction shall be communicated to the dispatching office of exchange in the acknowledgment of the receipt of the list on which the correction was made.

When these lists show other irregularities the office of exchange receiving them shall require an explanation from the dispatching office of exchange, which shall give such explanation with as little delay as possible.

In the meantime the issue of internal money orders relating to the entries on the list found to be irregular shall be suspended.

XV. As soon as the list shall have reached the receiving office of exchange, this office shall make out internal money orders in favour of the payees, and for the amounts specified in the list.

It shall then forward them to the payees, or to the paying offices, in conformity with the arrangements existing in each country for regulating the payment of money orders.

XVI. At the end of every month each office of exchange shall prepare and forward to the other office—

1. A statement showing the particulars of all orders which it has been authorized to repay to the remitters. (See Article IX.)

2. A statement showing the particulars of all orders issued by the other office of exchange, which have ceased to be payable under the conditions laid down in Article X.

XVII. The totals of the lists mentioned in Article XI, and the detailed statements mentioned in Article XVI, which shall be in accordance with the forms in the Appendices (C) and (D), shall be incorporated every month by the Dutch East Indian Post Office in a general account, intended to show the result of the exchange of money orders between the Post Office of the Dutch East Indies on the one side and the United Kingdom on the other side.

This general account, prepared in the form shown in the Appendix (B), shall be transmitted in triplicate through the chief Post Office of the Netherlands at The Hague to the British Office, which shall return two copies of the account duly accepted.

XVIII. When the Chief Post Office of the Netherlands has to pay to the British Office on account of the Dutch East Indies, the balance of the general account, it shall pay such balance at the same time that it forwards the general account to London, and when the balance is due to the Post Office of the Dutch East Indies, it shall be remitted immediately after the receipt and verification of the account.

The payment of the balance shall be made at The Hague when it is to the credit of the Dutch East Indies, and at London when it is to the credit of the United Kingdom, and always in the money of the country to which the payment is made, in the absence of other arrangements between the Administrations concerned as to the method of settlement.

XIX. Each Post Office shall be authorized to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, must be communicated to the other Post Office.

XX. Should it appear at any time that money orders are used by mercantile men, or other persons in the United Kingdom or in the Dutch East Indies, for the transmission of large sums of money, the Post Office of the United Kingdom or of the Dutch East Indies, as the case may be, shall consider the propriety of increasing the commission and shall have power even wholly to suspend for a time the issue of money orders.

XXI. Should the Post Office of the Dutch East Indies desire to send money order remittances through the medium of the British Post Office to any of the foreign countries, British Colonies, &c., with which the British Post Office transacts money order business, it shall be at liberty to do so, provided that the following conditions are fulfilled :

(a.) The Post Office of the Dutch East Indies shall advise the amounts of such "through" orders to the Money Order Department, London, which will re-advise them to the exchange offices of the countries of payment.

(b.) No such order shall exceed the maximum amount fixed by the country of destination for money orders issued in the United Kingdom.

(c.) The particulars of "through" orders shall be entered either in red ink at the end of the ordinary advice lists dispatched to London, or on separate sheets, the total amounts of the "through orders" being included in the totals of such lists.

(d.) The names and addresses of the payees, including the names of the town and country of payment, shall be given as fully as possible.

(e.) The Post Office of the Dutch East Indies shall allow to the London Office the same percentage (see Article IV) on "through" orders as on orders payable in the United Kingdom, the London Office crediting the office of the country of payment with the same percentage for the "through" orders as for the orders issued in the United Kingdom, and for its intermediary services deducting from the amount of each re-advised order a special commission to be fixed by the British Post Office.

Each Administration shall communicate to the other the names of the countries with which it transacts money order business, the limit of amount adopted for single money orders in each instance, and the rates of commission deducted for the intermediary service. When the amount of the "through" order is repaid to the remitter the commission charged for the intermediary service is not refunded.

Should the British Post Office desire to send money orders through the medium of the Dutch East Indian Post Office to any countries with which the Dutch East Indian Post Office transacts money order business, it shall be at liberty to do so under similar conditions to those stated in the foregoing paragraphs.

XXII. This Convention shall come into operation on the 1st day of July, 1905, and shall be terminable on a notice by either Party of six calendar months.

Done in duplicate and signed at Batavia on the 30th day of March, 1905; and in London on the 3rd day of June, 1905.

STANLEY, *Postmaster-General*.

RUDOLPH, *Inspector-General of Posts and Telegraphs*.

*TREATY between Great Britain and Nicaragua, for the Mutual Extradition of Fugitive Criminals.—Signed at Managua, April 19, 1905.**

[Ratifications exchanged at London, February 13, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and

His Excellency the President of the Republic of Nicaragua;

Having determined, by common consent, to conclude a Treaty for the extradition of criminals, have accordingly named as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Herbert William Broadley Harrison, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua; and

His Excellency the President of Nicaragua, Doctor Adolfo Altamirano, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. The High Contracting Parties engage to deliver up to each other those persons who being accused or convicted of a crime committed in the territory of the one Party, should be found within the territory of the other Party, under circumstances and conditions stated in the present Treaty.

II. Extradition shall be reciprocally granted for the following crimes and offences:

1. Murder, or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Carnal knowledge, or any attempt to have carnal knowledge of a girl under the age of puberty, according to the laws of the respective countries.
6. Indecent assault.
7. Kidnapping and false imprisonment.
8. Abandoning, exposing, or detaining children.

* Signed also in the Spanish language.

9. Abduction.

10. Bigamy.

11. Maliciously wounding or inflicting grievous bodily harm.

12. Assault occasioning actual bodily harm.

13. Threats, by letter or otherwise, with intent to extort money or other things of value.

14. Perjury, or subornation of perjury.

15. Arson.

16. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.

17. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company.

18. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

19.—(a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

(b.) Knowingly making without lawful authority any instrument, tool, or engine adapted or intended for the counterfeiting of the coin of the realm.

20. Forgery, or uttering what is forged.

21. Crimes against bankruptcy law.

22. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.

23. Malicious injury to property, if such offence be indictable.

24. Piracy and other crimes or offences committed at sea against persons or things, which, according to the laws of the High Contracting Parties, are extradition offences.

25. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition shall also be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made:

Provided that the surrender shall be made only when, in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused should be found would justify his apprehension and commitment for trial if the crime had been there committed; and, in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted.

Extradition shall not be granted if, according to the laws of either country, the maximum punishment for the offence charged is imprisonment for less than one year.

III. No Nicaraguan shall be delivered up by the Government of Nicaragua to the Government of the United Kingdom, and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of Nicaragua.

IV. The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of Nicaragua, has already been tried and discharged or punished, or is still under trial in the territory of Nicaragua or in the United Kingdom respectively for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of Nicaragua, should be under examination for any crime in the territory of Nicaragua or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

V. The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

VI. A fugitive shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

VII. A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made for any other crime, or on account of any other matters than those for which the extradition shall have taken place. This stipulation does not apply to crimes committed after the extradition.

VIII. The requisition for extradition shall be made through the Diplomatic Agents or duly recognized Consuls-General of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by a sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

IX. If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

X. The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime has been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

XI. In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a Judge, Magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

XII. If sufficient evidence for extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

XIII. All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend, not merely to the stolen articles, but to everything that may serve as a proof of the crime.

XIV. The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered and his conveyance till placed on board ship: they reciprocally agree to bear such expenses themselves.

XV. The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of His Britannic Majesty. The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the chief Consular officer of Nicaragua in such Colony or possession.

Such requisitions may be disposed of (subject always, as nearly as may be, to the provisions of this Treaty) by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Nicaraguan criminals who may take refuge within such Colonies and foreign possessions on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of His Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

XVI. The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

It shall be ratified, and the ratifications shall be exchanged in London within the period of six months from the date of signature.

In witness whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done in duplicate at Managua, the 19th day of April, 1905.

(L.S.) HERBERT HARRISON.

(L.S.) ADOLFO ALTAMIRANO.

*TREATY between Great Britain and the Republic of Nicaragua, with regard to the Mosquito Territory.—Signed at Managua, April 19, 1905.**

[Ratifications exchanged at London, August 24, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor

* Signed also in the Spanish language.

of India, &c., and his Excellency the President of the Republic of Nicaragua, being desirous of terminating in a friendly manner various questions which have arisen in regard to the Mosquito Reserve, have agreed to conclude a Treaty for that purpose, and have appointed as their Plenipotentiaries :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Herbert William Broadley Harrison, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua ; and

His Excellency the President of Nicaragua, Doctor Adolfo Altamirano, Minister of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. The High Contracting Parties agree that the Treaty of Managua of the 28th January, 1860,* is and shall remain abrogated.

II. His Britannic Majesty agrees to recognize the absolute sovereignty of Nicaragua over the territory that constituted the former Mosquito Reserve, as defined in the aforesaid Treaty of Managua.

III. In consideration of the fact that the Mosquito Indians were at one time under the protection of Great Britain, and in view of the interest that His Majesty's Government and the Nicaraguan Government take in their welfare, the Nicaraguan Government agree to grant them the following concessions :

(a.) The Government will submit to the National Assembly a law exempting, for fifty years from the date of the ratification of this Treaty, all the Mosquito Indians and the Creoles born before the year 1894, from military service, and from all direct taxation on their persons, property, possessions, animals, and means of subsistence.

(b.) The Government will allow the Indians to live in their villages enjoying the concessions granted by this Convention, and following their own customs, in so far as they are not opposed to the laws of the country and to public morality.

(c.) The Nicaraguan Government will concede a further period of two years for them to legalize their rights to the property acquired in conformity with the Regulations in force before 1894 in the Reserve. The Government will make no charge to the said inhabitants either for the lands or the measurement thereof, or for

the grant of title-deeds. For this purpose the title-deeds in the possession of the said Indians and Creoles before 1894 will be renewed in conformity with the laws; and, in cases where no such title-deeds exist, the Government will give to each family, at their place of residence, eight manzanas of land, if the members of the family do not exceed four in number, and two manzanas for each person if the family exceeds that number.

(d.) Public pasture lands will be reserved for the use of the inhabitants in the neighbourhood of each Indian village.

(e.) In the event of any Mosquito Indians or Creoles proving that the lands which they held in conformity with the Regulations in force before 1894, have been claimed by and allotted to other persons, the Government will indemnify them by the grant of suitable public lands of approximate value as near as possible to their present residences.

IV. The ex-Chief of the Mosquito Indians, Robert Henry Clarence, will be permitted by the Nicaraguan Government to reside in the Republic of Nicaragua and to enjoy full protection so long as he does not transgress the laws, and provided his acts do not tend to incite the Indians against Nicaragua.

V. The Mosquito Indians, and the other inhabitants of the former Reserve, will enjoy the same rights as are secured by the laws of Nicaragua to other Nicaraguan citizens.

VI. The present Treaty shall be ratified, and the ratifications shall be exchanged at London within the period of six months from the date of signature.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

Done at Managua, this 19th day of April, 1905.

(L.S.) HERBERT HARRISON.

(L.S.) ADOLFO ALTAMIRANO.

Declaration.

In case this Treaty is not ratified by the two Signatory Powers, the stipulations it contains will give no right to the High Contracting Parties to found any pretensions, or draw any deductions.

(L.S.) HERBERT HARRISON.

(L.S.) ADOLFO ALTAMIRANO.

*TREATY of Friendship, Commerce, and Navigation between Great Britain and the Republic of Nicaragua.—Signed at Managua, July 28, 1905.**

[Ratifications exchanged at London, August 24, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India ; and

His Excellency the President of Nicaragua ;

Being desirous to extend and facilitate the relations of commerce already existing between the two countries, have determined to conclude a new Treaty with this object, and have appointed as their Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Herbert William Broadley Harrison, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua ; and

His Excellency the President of the Republic of Nicaragua, Doctor Adolfo Altamirano, Minister of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ART. I. There shall be between the dominions and possessions of the two High Contracting Parties reciprocal freedom of commerce and navigation. The subjects or citizens of each of the two Parties shall have liberty freely to come, with their ships and cargoes, to all places, ports, and rivers in the dominions and possessions of the other to which native subjects or citizens generally are or may be permitted to come, and shall enjoy, respectively, the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects or citizens generally, without having to pay any tax or impost greater than those paid by the same, and they shall be subject to the laws and regulations in force.

This stipulation shall not, however, apply to the coasting trade, in respect of which the subjects or citizens of the two Parties shall enjoy the treatment of the most favoured nation.

II.† The free port privileges at the Port of San Juan del Norte shall be abolished, but the port shall remain open to trade, the

* Signed also in the Spanish language.

† See Protocol, page 79.

facilities for shipping shall be maintained and improved, and sufficient bonded warehouses shall be provided.

As regards all the dues, taxes, and regulations affecting foreign trade and shipping, and the system of municipal taxation, the port shall be on the same footing as the other ports of the Republic.

III. No other or higher duties or charges shall be imposed on the importation into the dominions and possessions of His Britannic Majesty of any article the produce or manufacture of the Republic of Nicaragua, from whatever place arriving, and no other or higher duties or charges shall be imposed on the importation into Nicaragua of any article the produce or manufacture of His Britannic Majesty's dominions and possessions, from whatever place arriving, than on the like articles produced or manufactured in any other foreign country; nor shall any prohibition or restriction be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the High Contracting Parties into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country.

This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of securing the safety of persons or of cattle, or of plants useful to agriculture.

IV. No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two High Contracting Parties to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other foreign country.

V. The subjects or citizens of each of the High Contracting Parties shall enjoy, in the dominions and possessions of the other, perfect equality of treatment with native subjects or citizens or subjects or citizens of the most favoured nation in all that relates to exemption from transit duties, warehousing, bounties, facilities, and drawbacks.

VI. All articles which are or may be legally imported into the ports of the dominions and possessions of His Britannic Majesty in British vessels may be imported into those ports in Nicaraguan vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels; and similarly all articles which are or may be legally

imported into the ports of Nicaragua in Nicaraguan vessels may be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Nicaraguan vessels. Such equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties and railway charges shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the High Contracting Parties on any article intended for exportation which is or may be legally exported therefrom whether such exportation shall take place in Nicaraguan or in British vessels, and whatever may be the place of destination, whether a port of either of the High Contracting Parties or of any third Power.

VII. No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

VIII. In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

IX. Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the High

Contracting Parties should run aground or be wrecked upon the coasts of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast into the sea, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Nicaraguan Consular officer in whose district the wreck or stranding may have taken place, upon being claimed by him within the period fixed by the laws of the country; and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of customs, unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

X. All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Nicaraguan law, are to be deemed Nicaraguan vessels shall, for the purposes of this Treaty, be deemed British and Nicaraguan vessels respectively.

XI. The High Contracting Parties agree that, in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity whatever which either High Contracting Party has actually granted or may hereafter grant to any other foreign State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the commerce, navigation, and industry of each country shall be placed in all respects, by the other on the footing of the most favoured nation.

XII. It shall be free to each of the High Contracting Parties to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside in the towns and ports of the dominions and possessions of the other. Such Consuls-General, Consuls, Vice-Consuls and Consular Agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall enjoy

all the faculties, privileges, exemptions, and immunities of every kind which are or shall be granted to Consuls of the most favoured nation.

XIII. The subjects or citizens of each of the High Contracting Parties who shall conform to the laws of the country—

1. Shall have full liberty, with their families, to enter, travel, or reside in any part of the dominions and possessions of the High Contracting Party.

2. They shall be permitted to hire or possess the houses, manufactories, warehouses, shops, and premises which may be necessary for them.

3. They may carry on their commerce either in person or by any agents whom they may think fit to employ.

4. They shall not be subject in respect of their persons or property, or in respect of passports, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects or citizens, or subjects or citizens of the most favoured nation.

XIV. The subjects or citizens of each of the High Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall be equally exempted from all judicial and municipal functions whatever other than those imposed by the laws relating to juries, as well as from all extraordinary war contributions, forced loans, and every species of military requisitions or service. In all other cases their personal and real property cannot be subjected to other charges or imposts than those that may be or have been exacted from the subjects or citizens of the country or from subjects or citizens of the most favoured nation.

XV. The subjects or citizens of each of the High Contracting Parties in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as national subjects or citizens. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same legal forms and in the same manner as subjects or citizens of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is or shall be payable by subjects or citizens of the country. In every case the subjects or citizens of the High Contracting Parties shall be

permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which subjects or citizens of the country are or shall be liable under similar circumstances.

XVI. The dwellings, manufactories, warehouses, and shops of the subjects or citizens of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for subjects or citizens of the country, or of the most favoured nation.

The subjects or citizens of each of the two High Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens; they shall enjoy the same treatment as native subjects or citizens in all that concerns deposits, sureties, and fees in legal cases, and shall, in the same manner as native subjects or citizens, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

XVII. The subjects or citizens of each of the High Contracting Parties shall have in the dominions and possessions of the other the same rights as native subjects or citizens in regard to patents for inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

XVIII. All goods bearing marks or descriptions which state, or manifestly suggest, that the goods are the produce or manufacture of one of the Contracting States, shall, if such statement or suggestion be false, be seized on importation into either of the two States. The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported. The seizure shall be effected either at the request of the proper Government Department or of an interested party, whether an individual or a society, in conformity with the domestic legislation of each State, but the authorities are not bound to effect the seizure of goods in transit.

The Tribunals of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of the present Article.

XIX. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

XX.* The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's Colonies or possessions beyond the seas unless notice to that effect shall have been given, on behalf of any such Colony or possession, by His Britannic Majesty's Representative in the Republic of Nicaragua to the Nicaraguan Minister for Foreign Affairs, within one year from the date of the exchange of the ratifications of the present Treaty.

It is understood that, under the provisions of this Article, His Majesty's Government can, in the same manner, give notice of adhesion on behalf of any British Protectorate or sphere of influence, or on behalf of the Island of Cyprus, in virtue of the Convention of the 4th June, 1878, between Great Britain and Turkey.†

XXI. The present Treaty shall come into effect ten days after the day upon which the ratifications are exchanged, and shall remain in force for ten years after such exchange. In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of ten years of the intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

His Britannic Majesty's Government shall also have the right to terminate separately the present Treaty at any time on giving twelve months' notice to that effect on behalf of any British Colony, possession, or dependency, as specified in Article XX, which may have acceded thereto.

XXII. The present Treaty shall be ratified, and the ratifications shall be exchanged at London, within the period of one year from the date of signature.

Done in duplicate at Managua, this 28th day of July, in the year 1905.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

(L.S.) HERBERT HARRISON.

(L.S.) ADOLFO ALTAMIRANO.

* See list of Colonies which have acceded, page 79.

† Vol. LXIX, page 744.

PROTOCOL.

The Undersigned, Plenipotentiaries of the High Contracting Parties of the Treaty of Friendship, Commerce, and Navigation signed between the United Kingdom of Great Britain and Ireland and the Republic of Nicaragua this day, have agreed as follows:—

I. It is declared that in all cases in which the provisions of the said Treaty grant treatment of the most favoured nation, the term shall not be held to include the Central American Republics.

II. It is declared that the stipulations in Article II of the said Treaty, with respect to the port of San Juan del Norte, are permanent.

III. The Nicaraguan Government will give Custom-house bonds to the merchants at the port of San Juan del Norte, for a sum equal to that which they have paid as commercial tax during the last ten years. The merchants will pay Custom-house duties with these bonds until the said bonds are extinguished. The value of the bonds assigned to each merchant will be the sum he has paid as commercial tax during the last ten years, and it is understood that to those who have been tax-paying merchants during a shorter time, will be assigned the sum corresponding to that time.

IV. It is understood that nothing contained in the Treaty signed this day shall be held to prevent the Government of either country from taking such steps as they may judge expedient, either by way of countervailing duties or otherwise, to neutralize the effect of bounties granted, either directly or indirectly, on the production or exportation of goods.

Signed at Managua, this 28th day of July, 1905.

HERBERT HARRISON.

ADOLFO ALTAMIRANO.

List of British Colonies, &c., which have acceded to the above Treaty under Article XX:—

British Honduras.

Gambia.

Hong Kong.

Jamaica (with the Turks and Caicos Islands and the Cayman Islands).

Leeward Islands.

New Zealand.

Northern Nigeria.

Seychelles.

Sierra Leone.

Southern Nigeria.
 Straits Settlements.
 Windward Islands.

*AGREEMENT between Great Britain and Norway, respecting
 Telegraphic Communication between the two Countries.—
 Signed at Stockholm, February 2, 1905.**

THE British and Norwegian Governments, recognizing that the provision of, and control over, the means of telegraphic communication between the United Kingdom and Norway is a matter in which both Governments are jointly interested, have agreed as follows:—

ART. I. The Concessions of the Great Northern Telegraph Company for their Peterhead-Egersund cable shall not be renewed beyond the 1st January, 1911, without previous consultation between the two Governments.

The British and Norwegian Telegraph Administrations shall, in good time before the expiry of the concessions, submit to discussion the question whether they are to be renewed or not.

II. No new concession shall be granted to any company or private individual for the establishment of submarine cables between the two countries without previous consultation between the two Governments.

III. No concession shall be granted to any company or private individual for the establishment of communication between the two countries by means of wireless telegraphy without previous consultation between the two Governments.

Done in duplicate and signed at Stockholm, this 2nd day of February, 1905.

(L.S.) RENNELL RODD.

(L.S.) AUG. F. GYLDENSTOLPE.

*AGREEMENT between Great Britain and Portugal, respecting
 the direct exchange of Parcels by Parcel Post.—Signed at
 Lisbon, July 28, 1905.†*

THE Governments of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions

* Signed also in the Norwegian language.

† Signed also in the Portuguese language.

beyond the Seas, Emperor of India, and of His Majesty the King of Portugal and the Algarves, &c., agree to facilitate the regular direct exchange of parcels between the United Kingdom and Portugal, including the Azores and Madeira, by a new Agreement on the basis of the Parcel Post Convention of Washington of the 15th June, 1897,* and in substitution for the Agreement which was signed at Lisbon the 2nd day of July, 1887,† and the Agreement signed at Lisbon the 10th day of March, 1894,‡ and the Agreement signed at Lisbon the 24th day of March, 1899, and at London the 14th day of March, 1899.§

The Undersigned, duly authorized for that purpose, have agreed upon the following provisions which shall be generally applicable not only to parcels exchanged direct between the United Kingdom and Portugal, but also to parcels sent in transit to or from one of the two countries through the other :—

ART. I.—1. The parcels may be forwarded by parcel post from the United Kingdom to Portugal up to the weight of 11 lb. English, and from Portugal to the United Kingdom up to the weight of 5 kilog.

2. The parcels thus exchanged may be insured up to the sum of 500 fr.

3. To the Postal Administrations of the two countries is reserved the power of fixing subsequently by common consent, if their respective laws and regulations permit, the rates and conditions applicable to parcels insured for sums exceeding 500 fr.

II.—1. The two Post Offices guarantee the right of transit for parcels over their territory to or from any country with which they respectively have parcel post communication, and they undertake responsibility for transit parcels within the limits determined by Article XIV below.

2. In the absence of any arrangement to the contrary between the Administrations concerned, the conveyance of parcels thus exchanged will be effected *à découvert*.

III. The prepayment of the postage on parcels shall be compulsory, except in the case of redirected parcels.

IV.—1. The post office of the country of origin shall pay to the post office of the country of destination the territorial postage of the latter, and also the sea postage if the latter office provides for the sea service, calculated in accordance with the following Table :—

* Vol. XC, page 1104.

† Vol. LXXXVI, page 8.

[1904–1905. xcviil.]

‡ Vol. I. XXVIII, page 7.

§ Vol. XCI, page 90.

	Not over 3 lb. or 1 kilog.	Over 3 lb. or 1 kilog., but not over 7 lb. or 3 kilog.	Over 7 lb. or 3 kilog., but not over 11 lb. or 5 kilog.
	Fr. c.	Fr. c.	Fr. c.
British territorial postage ..	0 50	1 00	1 50
Portuguese territorial postage ..	0 75	0 75	0 75
Sea postage	0 50	0 50	0 50
	1 75	2 25	2 75

2. The totals thus arrived at shall form the basis for determining the sums to be collected from the senders; but in fixing the rates of postage, either Administration shall be at liberty to adopt such approximate amounts as may be convenient in its own currency.

V.—1. The accounting in respect of the insurance fee shall be at the rate of 25 centimes for each 300 fr. or fraction thereof, and shall be divided in the following manner:—

	Cents.
Office of origin	10
Office of destination	5
Sea service	10

2. The office of origin is also entitled to collect from the sender of each insured parcel and to retain a registration fee not exceeding 25 centimes.

VI. In the case of parcels originating in or forwarded by one of the two contracting countries and sent in transit through the other, the post office of the intermediate country shall be credited by the other post office with the sums due to the former for the conveyance and insurance of such parcels, in accordance with tables to be mutually communicated.

VII. The post office of the country of destination may levy from the addressees, for the delivery of the parcels and for the fulfilment of Custom-house formalities, a charge not exceeding 25 centimes for each parcel.

VIII. The sender of an insured parcel may obtain an acknowledgment of delivery on prepayment of a fixed fee not exceeding 25 centimes.

The same fee may be applied to requests for information about the disposal of an insured parcel made after it has been posted, if the sender has not already paid the special fee to obtain an acknowledgment of delivery. The whole of this fee is retained by the Administration of the country of origin.

IX.—1. The parcels shall, at the request of the senders, be

delivered by special messenger immediately after arrival at the office of delivery.

Immediately on the arrival of a mail at the British or Portuguese Office of Exchange the express parcels contained therein shall undergo the necessary Customs examination and assessment of duty in order that they may be forwarded to the place of destination with the least possible delay.

2. On these parcels, which shall be styled "Express Parcels," and shall be marked as such by the senders, an express delivery fee of 50 centimes shall be payable by the senders, in addition to the postage. This fee shall be credited in the parcel bill to the post office of the country of destination.

3. When the residence of the addressee of an express parcel is at a distance from the office of delivery, that office may collect for the delivery of the parcel a supplementary charge not exceeding the fee fixed for such delivery according to the inland tariff of the country of destination, less the equivalent of the special fee paid by the sender.

When an express parcel is addressed to a locality in Portugal where there is no post office, the addressee shall be informed of its arrival at the nearest office by means of a notice delivered by special messenger.

4. Only one attempt shall be made to deliver an express parcel by a special messenger. After a fruitless attempt, such a parcel shall cease to be considered as an express parcel, and its delivery shall take place in the conditions fixed for ordinary parcels.

5. If an express parcel shall be redirected to another country before any attempt has been made to deliver it by special messenger, the express delivery fee shall be credited to the post office of the new country of destination provided that this office has consented to undertake express delivery.

Otherwise the fee shall be retained by the office of the first destination; and this shall also be done in the case of undelivered parcels.

X. The parcels to which the present Agreement applies cannot be subjected to any postal charge other than those contemplated by the different Articles of this Agreement.

XI. An Agreement for the prepayment of all charges on parcels by the sender may be entered into between the Postmaster-General of the United Kingdom of Great Britain and Ireland and the Director-General of Posts and Telegraphs of Portugal on the following basis:—

1. The sender of a parcel may take upon himself the payment of all charges due upon it in the country of destination, provided that he formally notifies his desire to the office of posting and undertakes to pay the charges in question on demand.

2. For the work involved in this arrangement the office of posting may collect and retain a fee not exceeding 60 centimes per parcel. It may also collect in advance such sums as it considers sufficient to meet the charges which will become payable.

XII. For the redirection of parcels from one country to the other, as well as for the return of undelivered parcels, a supplementary charge on the basis of the rates fixed by Articles IV and V shall be collected from the addressees or the senders, as the case may be.

XIII.—1. It is forbidden to send by post—

(a.) Parcels containing letters, or communications of the nature of a letter, live animals, except bees in properly constructed boxes, or articles the admission of which is not authorized by the customs or other laws or regulations of either country (a parcel may, however, contain an open invoice in its simplest form);

(b.) Parcels containing explosive or inflammable articles, and in general articles the conveyance of which is dangerous.

2. It is equally forbidden to send coin, anything made of gold or silver, or other precious articles from one country to the other in uninsured parcels.

3. If a parcel contravening any of those prohibitions shall be handed over by one Administration to the other, the latter shall proceed in the manner and with the formalities prescribed by its law or inland regulations.

4. The two Administrations shall furnish each other with a list of prohibited articles, but they will not thereby undertake any responsibility whatever towards the police, the Customs authorities, or the senders of parcels.

XIV.—1. In all cases of loss, abstraction, or damage, except such as are beyond control, the sender, or, in default or at the request of the sender, the addressee, shall be entitled to an indemnity corresponding with the actual amount of the loss, abstraction, or damage, unless the damage has arisen from the fault or negligence of the sender or from the nature of the article, and provided always that the indemnity does not exceed, in the case of an uninsured parcel, 25 fr., and, in the case of an insured parcel, the sum for which it has been insured. The sender of a parcel which has been lost, or of which the contents have been completely destroyed in the post, shall also be entitled to the return of the postage. In any case the insurance fee is retained by the Postal Administrations.

2. The obligation of paying the indemnity shall rest with the Administration to which the dispatching office is subordinate. To that Administration is reserved a remedy against the Administration responsible, that is to say, against the Administration on the territory or in the service of which the loss, abstraction, or damage took place.

3. Until the contrary is shown, the responsibility shall rest with the Administration which, having received the parcel without making any observation, cannot prove its delivery to the addressee, or, in the case of a transit parcel, its regular transfer to the following Administration.

4. The payment of the indemnity to the sender or addressee ought to take place as soon as possible, and at the latest within a year of the date of the application. The Administration responsible will be bound to make good, without delay, the amount of the indemnity paid.

5. It is understood that no application for an indemnity will be entertained unless made within a year of the posting of the parcel; after this term the applicant will have no right to any indemnity.

6. If the loss, abstraction, or damage shall have occurred in course of conveyance between the exchanging offices of the two countries, and it shall not be possible to ascertain on the territory or in the service of which the loss, abstraction, or damage took place, each Administration shall pay half of the indemnity.

7. The Administration will cease to be responsible for parcels of which the owners have accepted delivery.

XV.—1. No parcel may be insured for an amount above the real value of its contents.

2. In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value, he shall lose all claim to compensation, and the enforcement of this rule shall not prejudice any legal proceedings admitted by the law of the country of origin.

XVI. The cost of the receptacles in which parcel mails are exchanged between the two countries shall be shared equally between the two Administrations.

XVII.—1. The internal legislation of both the United Kingdom and Portugal shall remain applicable as regards everything not provided for by the stipulations contained in the present Agreement.

2. The Administrations shall communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by parcel post.

XVIII. The two Postal Administrations shall indicate the offices or localities which they admit to the international exchange of parcels, they shall regulate the mode of transmission of these parcels, and fix all other measures of detail and order necessary for insuring the performance of the present Agreement.

XIX. The Postal Administration of the United Kingdom and the Postal Administration of Portugal may hereafter, if their respective regulations permit, arrange by common consent for the introduction of a system of trade charges on delivery.

XX. The Postal Administration of each of the contracting countries has the power in extraordinary circumstances of such a nature as to justify the suspension of the Parcel Post Service, to suspend that service temporarily, wholly, or in part, on condition of giving immediate notice to the other Administration, by telegraph if necessary.

XXI. The Postal Administration of Great Britain and the Postal Administration of Portugal as well as the Postal Administration of the Portuguese Colonies may hereafter, if their respective regulations permit, arrange by common consent on the basis of the present Agreement for a direct exchange of parcel mails between—

- (a.) Great Britain and a Portuguese Colony ;
- (b.) Portugal and a British Colony or Protectorate ;
- (c.) A British Colony or Protectorate and a Portuguese Colony.

XXII. The present Agreement shall come into operation on a date to be fixed for that purpose by the two Postal Administrations, and shall be terminable on a necessary notice of one year by either Party.

In witness whereof the Undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed thereto their seals.

Done in duplicate at Lisbon, the 28th day of July, 1905.

(L.S.) MAURICE DE BUNSEN.

(L.S.) ANTONIO EDUARDO VILLAÇA.

*TREATY of Commerce and Navigation between Great Britain and Roumania.—Signed at Bucharest, October 31, 1905.**

[Ratifications exchanged at Bucharest, March 17, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Roumania, being desirous to extend and facilitate the relations of commerce already existing between the two countries, have determined to conclude a new Treaty with this object, and have appointed as their Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain

* Signed also in the Roumanian language.

and Ireland and of the British Dominions beyond the Seas, Emperor of India,

Sir John Gordon Kennedy, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Roumania, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George;

Hubert Llewellyn Smith, Esquire, Comptroller-General of the Commercial, Labour, and Statistical Department of the Board of Trade, Companion of the Most Honourable Order of the Bath;

And John Francis Charles, Count de Salis, a First Secretary in His Britannic Majesty's Diplomatic Service;

And His Majesty the King of Roumania,

General Jacob Lahovary, his Minister for Foreign Affairs, Grand Cross of the Order of the Crown of Roumania, Grand Officer of the Order of the Star of Roumania, &c.;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. There shall be between the territories of the two Contracting Parties reciprocal freedom of commerce and navigation;

The subjects of each of the two Contracting Parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other to which native subjects are or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects.

The subjects of each of the Contracting Parties shall not be subject in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, or to imposts or obligations of any kind whatever, other or greater than those which are or may be imposed upon native subjects, or subjects or citizens of the most favoured nation.

II. The Contracting Parties agree that, in all matters relating to commerce, navigation, and industry, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other foreign State, shall be extended immediately and unconditionally to the subjects of the other; it being their intention that the commerce, navigation, and industry of each country shall be placed, in all respects, on the footing of the most favoured nation.

III. The subjects of each of the Contracting Parties in the territories of the other, shall be at full liberty to acquire and possess every description of property, movable and immovable,

which the laws of the country permit or shall permit the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance under the same conditions which are or shall be established with regard to the subjects or citizens of any other foreign country. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are or shall be applicable to native subjects.

The subjects of each of the Contracting Parties shall also be permitted, on compliance with the laws of the country, freely to export the proceeds of the sale of their property and their goods in general, without being subjected as foreigners to other or higher duties than those to which subjects of the country would be liable under similar circumstances.

They shall, on compliance with the laws of the country, have free access to the Courts of Justice, either for the prosecution or for the defence of their rights, and in this respect they shall enjoy all privileges and immunities of native subjects; and in the same manner as these they shall be at liberty to employ in all causes advocates and agents of all kinds, authorized by the laws of the country.

IV. The subjects of each of the Contracting Parties in the territories of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall be equally exempted from all judicial, administrative, and municipal functions whatever, other than those imposed by the laws relating to juries and guardianship, as well as from all contributions, whether pecuniary or in kind, imposed as an equivalent for personal service, and finally from any military exaction or requisition. The charges connected with the possession, by any title, of landed property are, however, excepted, as well as compulsory billeting, and other special military exactions or requisitions, to which all subjects of the country may be liable as owners or occupiers of real property.

In the above respects the subjects of each of the Contracting Parties shall not be accorded, in the territories of the other, less favourable treatment than that which is or may be accorded to subjects or citizens of the most favoured nation.

V. The articles, the produce or manufacture of one of the Contracting Parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles, the produce or manufacture of any other foreign country Nor shall any prohibi-

tion or restriction be maintained or imposed on the importation of any article, the produce or manufacture of either of the Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country.

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons or of cattle, or of plants useful to agriculture, and of the measures applicable in either of the two countries to articles enjoying a direct or indirect bounty in the other.

The merchandize, the produce or manufacture of the United Kingdom enumerated in the tariff annexed to this Treaty, shall not, on importation into Roumania, be subjected to higher or other duties than those mentioned in the said tariff.

VI. The articles, the produce or manufacture of one of the Contracting Parties, exported to the territories of the other, shall not be subjected to other or higher charges than those paid on the like articles exported to another foreign country. Nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like article to any other foreign country.

VII. Merchandize of all kinds, the produce or manufacture of one of the Contracting Parties, passing in transit through the territories of the other shall be reciprocally free from all transit duties, whether they pass direct or whether during transit they are unloaded, warehoused, and reloaded.

VIII. No internal duties levied for the benefit of the State, local authorities, or corporations, which affect or may affect the production, manufacture, or consumption of any article in the territories of either of the Contracting Parties, shall for any reason be a higher or more burdensome charge on articles the produce or manufacture of the other than on similar articles of native origin.

The produce or manufacture of either of the Contracting Parties, imported into the territories of the other, and intended for warehousing or transit, shall not be subjected to any internal duty.

IX. Each of the Contracting Parties shall permit the importation or exportation on the vessels of the other of all merchandize which may be legally imported or exported; and such vessels and their cargoes shall enjoy the same privileges, and shall not be subjected to any other or higher duties or charges than national vessels and their cargoes.

X. The provisions of this Treaty relating to the mutual concession of national treatment in matters of navigation do not apply to fisheries or to the coasting trade, in respect of which the subjects and vessels of the Contracting Parties shall enjoy most-favoured-nation treatment.

British and Roumanian vessels may nevertheless proceed from one port to another either for the purpose of discharging the whole or part of their cargoes brought from abroad, or of taking on board the whole or part of their cargoes for a foreign destination.

XI. In all that regards the stationing, loading, and unloading of vessels in the ports, docks, roadsteads, and harbours of the territories of the Contracting Parties, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the Contracting Parties being that, in this respect also, their vessels shall be treated on the footing of perfect equality.

XII. No duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties of whatever nature, or under whatever denomination, levied in the name or for the profit of the Government, private individuals, corporations, or establishments of any kind, shall be imposed in the ports of the territories of either of the Contracting Parties upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels in general. Such equality of treatment shall apply to their respective vessels, from whatever port or place they may arrive, and whatever may be their destination.

XIII. Any merchant-vessel of either of the Contracting Parties, which may be compelled by stress of weather or by accident to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, such vessel shall enjoy, both as regards the hull and the cargo, the privileges and immunities which the legislation of each of the countries accords to its own vessels in similar circumstances. Every assistance shall be afforded to the master and the crew, both as regards their persons and the vessel and its cargo.

Salvage operations shall take place in conformity with the laws

of the country. Nevertheless, the respective Consuls or Consular Agents shall be allowed to superintend the operations relative to repair or revictualling, or the sale, if necessary, of the vessels run aground or wrecked on the coast.

Everything saved from the vessel and cargo, or the proceeds of their sale, shall be restored to the owners or their agents, and no expenses of salvage shall be paid higher than those to which native subjects would be subject in similar cases.

The Contracting Parties agree, moreover, that merchandize saved shall not be subjected to the payment of any customs duty unless destined for internal consumption.

XIV. All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to Roumanian law, are to be deemed Roumanian vessels, shall, for the purposes of this Treaty, be deemed British or Roumanian vessels respectively.

XV. The Consuls and Consular Agents of each of the Contracting Parties, residing in the territories of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

XVI. The Contracting Parties reserve to themselves the right of introducing into the present Treaty subsequently and by common accord such modifications as may be deemed to be in conformity with its spirit and principles, and the desirability of which may have been proved by experience.

XVII. The stipulations of the present Treaty shall not be applicable to any of His Britannic Majesty's Colonies, Possessions, or Protectorates beyonds the Seas, unless notice of adhesion shall have been given, on behalf of any such Colony, Possession, or Protectorate by His Britannic Majesty's Representative at the Court of His Majesty the King of Roumania, before the expiration of one year from the date of the exchange of ratifications of the present Treaty.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Colonies, Possessions, and Protectorates shall enjoy in Roumania complete and unconditional most-favoured-nation treatment, so long as such Colony, Possession, or Protectorate shall accord to goods the produce or manufacture of Roumania treatment as favourable as it gives to the produce or manufacture of any other foreign country. In such cases the Colony, Possession, or Protectorate concerned shall communicate its intention in accordance with the procedure mentioned above.

XVIII. The present Treaty shall be ratified, and the ratifications shall be exchanged at Bucharest as soon as possible.

It shall come into force at a date to be agreed upon, which shall not be later than the 16th February (1st March), 1906; from the date of its coming into force, the Convention of the 1st (13th) August, 1892,* shall cease to have effect.

The present Treaty shall be binding during four years from the day of its coming into force. In case neither of the Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of four years of the intention to terminate the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have denounced it.

As regards, however, the British Colonies, Possessions, and Protectorates which may have adhered to the present Treaty in virtue of Article XVII, either of the Contracting Parties shall have the right to terminate it separately at any time on giving twelve months' notice to that effect.

It is understood that stipulations of the present and of the preceding Article referring to British Colonies, Possessions, or Protectorates, apply also to the Island of Cyprus.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto their seals.

Done at Bucharest, the 31st October, 1905.

(L.S.) J. G. KENNEDY.

(L.S.) H. LLEWELLYN SMITH.

(L.S.) J. DE SALIS.

(L.S.) GENERAL J. LAHOVARY.

[See also Declaration, page 98.]

Number in General Tariff.	Description of Article.	Unit of Weight.	Duty in Lei.
ex 333*	Cotton yarn, single, unbleached, undyed, measuring per kilogramme— (a.) 41,000 metres or less (b.) From 41,000 metres to 55,000 metres (c.) " 55,000 " 81,000 (d.) " 81,000 " 121,000 The same, bleached	100 kilog. " " " "	12·00 20·00 30·00 50·00
334*			Duty on the unbleached yarns according to class, with an addition of 20 per cent.
335*	The same, dyed or printed	"	Duty on the unbleached yarns according to class, with an addition of 50 per cent.
336*	The same, mercerised	"	Duty on the unbleached yarns according to class, with an addition of 60 per cent.
337	Cotton yarn, of two or more threads, single twist	"	Duty on the single threads of which composed, with an addition of 8 lei.
338	Cotton yarn, of four or more threads, multiple twist	"	Duty on the single threads of which composed, with an addition of 16 lei.
339	Cotton thread prepared for sewing, in balls, on cards or reels, or in any other form for retail sale, undyed	"	50·00
340	The same, mercerised, dyed	"	60·00
350	Tissues of jute, unbleached, undyed, having in warp and weft together in a square of 2 centim.— (a.) Up to 36 single threads, whether or not with coloured stripes and checks (d.) Carpets and mats of jute, cocoa fibre, and other similar textile materials not specially mentioned, whether dyed or printed or not	" " "	8·00 60·00

358	Cotton tissues of all kinds, except those specially mentioned, unbleached, undyed, weighing over 180 grammes per square metre— (a.) Having in warp and weft together up to 35 threads per square centimetre	..	55·00
	(b.) Having 36 to 55 threads per square centimetre	..	65·00
ex 359	(c.) Having more than 55 threads per square centimetre	..	100·00
	Cotton tissues of all kinds, except those specially mentioned, unbleached, undyed, weighing from 180 to 100 grammes per square metre— (b.) Having from 41 to 70 threads per square centimetre	..	75·00
ex 360	(c.) Having more than 70 threads per square centimetre	..	120·00
	Cotton tissues of all kinds, except those specially mentioned, unbleached, undyed, weighing from 100 to 70 grammes per square metre— (c.) Having more than 80 threads per square centimetre	..	130·00
362	Tissues mentioned in Nos. 358 to 361, bleached	..	Duty on unbleached tissues according to class, with an addition of 20 per cent.
363	The same, dyed in one colour	..	Ditto.
364	The same, printed or dyed in two or more colours	..	Ditto.
ex 368	Tulles for curtains, bed-spreads, furniture covers, &c., common, <i>i.e.</i> , with straight warp— (a.) Having up to 4 threads per centimetre of width	..	100·00
369	Tulles and guipures for curtains, bed-spreads, furniture covers, &c., fine, <i>i.e.</i> , with mesh of network, with designs, with combinations of spots	..	300·00
ex 371	Tulles, properly so called, of any vegetable textile material, without designs, and having in 1 centim. of width or length— (a.) Less than 7 meshes	..	350·00
ex 381	Lace of all kinds of vegetable textile materials, whether or not combined one with another, of any width, by measure or by the piece— (a.) Machine made	..	400·00
383	Bags of jute manufactured of the tissues mentioned in No. 350 A	..	Duty on the tissue with an addition of 1 leu.
443	Note 2.—Catalogues and price lists, illustrated or not, either in Roumanian or foreign languages, whether or not in boards or bound, are free of duty.	..	0·20
ex 579	Coal and coke	..	

* See Annex 1, page 97.

Number in General Tariff.	Description of Article.	Unit of Weight.	Duty in Lei.
ex 590	Sheets and plates of iron, corrugated or not, rolled, without other preparation, having a thickness of— (b.) From 2 millim. to $\frac{1}{2}$ millim. (c.) Less than $\frac{1}{2}$ millim.	100 kilog. .. " ..	5.00 6.00
591	The same, tinned, galvanized, or coated with lead, copper, or brass, polished, having a thickness of— (a.) 1 millim. or more (b.) From 1 millim. to $\frac{1}{2}$ millim. (c.) Less than $\frac{1}{2}$ millim.	" .. " .. " ..	7.00 7.50 8.00
ex 622	Safes and strong boxes, with or without fireproof material, painted or ornamented— (a.) Weighing 300 kilog. and over, each	100 kilog. gross weight 100 kilog. .. " ..	25.00 0.50 25.00
784	Caustic soda	" ..	0.50
786	Oxide and peroxide of barium, oxide of antimony, oxide, and all other salts of cobalt, and all other mineral oxides	" ..	25.00
ex 788	Carbonate of soda, crystallized or calcined	" ..	0.50
845	Oil and seccative varnishes, coloured or not	" ..	50.00
846	Alcoholic varnishes, coloured or not	" ..	60.00
847	Prepared varnish, without vegetable oil or alcohol, coloured or not, such as asphalt varnish, turpentine varnish, petroleum varnish, and varnish for harness and paper	" ..	40.00

Annex 1.

General Lahovary to Sir Conyngham Greene.

M. LE MINISTRE,

Bucarest, le 6 (19) Février, 1906.

PAR la Loi promulguée le 1^{er} (14) de ce mois au "Moniteur Officiel" les taxes sur les fils de coton ont été réduites dans le Tarif Douanier comme suit:—

No. 333. Fils de coton à un seul bout, écrus, non teints, 5 lei.

No. 334. Les mêmes, blanchis, 8 lei.

No. 335. Les mêmes, teints ou imprimés, 18 lei.

No. 336. Les mêmes, mercerisés, 20 lei.

Conformément au procès-verbal No. 7 du 18 (31) Octobre dernier, signé par les Délégués Britanniques et Roumains, lors de la conclusion de la nouvelle Convention de Commerce entre la Grande-Bretagne et l'Irlande et la Roumanie, j'ai l'honneur de prier votre Excellence de bien vouloir prendre acte que nous considérons ces nouvelles taxes comme consolidées pour la durée de nouveau Traité, et comme faisant partie intégrante du Tableau tarifaire annexé au dit Traité.

Je saisis, &c.,

Sir Conyngham Greene.

GÉNÉRAL LAHOVARY.

Annex 2.

Sir Conyngham Greene to General Lahovary.

M. LE MINISTRE,

Bucharest, February 6 (19), 1906.

I HAVE the honour to acknowledge the receipt of the note of to-day's date, by which your Excellency informs me that the duties imposed on different categories of cotton yarns under Articles 333, 334, 335, and 336 of the new Customs Tariff have been reduced, by a Law promulgated on the 1st (14th) instant to 5, 8, 18, and 20 lei respectively; and that, in virtue of the *procès-verbal* signed between the British and Roumanian Delegates at the time of the conclusion of the Treaty of Commerce and Navigation between Great Britain and Roumania on the 31st October last, these reduced duties are considered as being consolidated for the time of the duration of the Treaty, and as forming an integral part of the Tariff thereof annexed.

In taking act of your Excellency's communication, I avail, &c.,

General Lahovary.

CONYNGHAM GREENE.

Declaration.—October 31, 1905.

At the time of signing the Treaty of Commerce concluded this day, the Undersigned have agreed as follows:—

Nothing contained in the Treaty signed this day shall be held to derogate from the special Laws, Ordinances, and Regulations relating to matters of police and public security, or to the encouragement of national industry, in force in either of the Contracting States, and applicable to all foreigners alike; or from the reservation in favour of native subjects of the exercise of certain trades or professions in conformity with the laws of the two countries; or from the favours which may be accorded to adjoining States to facilitate local traffic within a zone not exceeding 15 kilom. broad on each side of the frontier.

The provisions of this Treaty for the mutual concession of most-favoured-nation treatment apply fully to the treatment of commercial travellers and their samples.

It is agreed that the Chambers of Commerce of the United Kingdom shall be recognized in Roumania as competent authorities for granting the certificates required for commercial travellers of the United Kingdom.

It is agreed that, in the event of the Government of India adhering to the present Treaty, Roumanian subjects in India, including the territories under British suzerainty, shall not be accorded any other or greater rights or privileges than those enjoyed by European British subjects.

J. G. KENNEDY.

H. LLEWELLYN SMITH.

J. DE SALIS.

GENERAL J. LAHOVARY.

*TREATY between Great Britain and Sweden and Norway for the Marriage of Her Royal Highness Princess Margaret of Great Britain and Ireland with His Royal Highness Prince Gustavus Adolphus of Sweden and of Norway.—Signed at Stockholm, May 20, 1905.**

[Ratifications exchanged at Stockholm, June 14, 1905.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor

* Signed also in the Swedish and Norwegian languages.

of India, on the one part, and His Majesty the King of Sweden and of Norway on the other part, already connected by ties of friendship, having judged it proper that an alliance should be contracted between their respective Royal Houses by a marriage agreed to on both sides, between Her Royal Highness Margaret Victoria Augusta Charlotte Norah, Princess of Great Britain and Ireland, niece of His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, and elder daughter of His Royal Highness Arthur William Patrick Albert, Duke of Connaught and Strathearn, Earl of Sussex, Prince of Saxe-Coburg and Gotha, &c., and of Her Royal Highness Louise Margaret, Princess of Prussia;

And His Royal Highness Oscar Frederick William Olaf Gustavus Adolphus, Duke of Scania, eldest son of His Royal Highness Oscar Gustavus Adolphus, Crown Prince of Sweden and of Norway, Duke of Vermland, &c., and of Her Royal Highness Sophie Maria Victoria, Princess of Baden, and grandson of His Majesty the King of Sweden and of Norway;

And the two High Betrothed Parties, as also His Royal Highness the Prince Oscar Gustavus Adolphus, and Her Royal Highness Princess Sophie Marie Victoria, his Consort, having declared their consent to such alliance;

In order, therefore, to attain so desirable an end, and to treat upon, conclude, and confirm the Articles of the Treaty of the said marriage, His Britannic Majesty on the one part, and His Majesty the King of Sweden and of Norway on the other part, have named as their Plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir James Rennell Rodd, K.C.M.G., C.V.O., C.B., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Stockholm;

And His Majesty the King of Sweden and of Norway, Count August Louis Fersen Gyldenstolpe, Grand Cross of the Order of the Polar Star, Commander of the First Class of the Order of St. Olaf, His Majesty's Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

I. It is concluded and agreed that the marriage between Her Royal Highness the Princess Margaret Victoria Augusta Charlotte Norah, eldest daughter of His Royal Highness Arthur William Patrick Albert, Duke of Connaught and Strathearn, Earl of Sussex, Prince of Saxe-Coburg and Gotha, &c., and of Her Royal Highness Louise Margaret, Princess of Prussia, and His Royal Highness

Prince Oscar Frederick William Olaf Gustavus Adolphus, Duke of Scania, eldest son of His Royal Highness Oscar Gustavus Adolphus, Crown Prince of Sweden and of Norway, Duke of Vermland, &c., and of Her Royal Highness Princess Sophie Maria Victoria of Baden, shall be solemnized in person at Windsor as soon as the same may conveniently be done.

Immediately after the celebration of the marriage a formally authenticated act of the same shall be delivered by the competent authority in good and due form.

II. The settlements to be made on either side in regard to the said marriage of Her Royal Highness the Princess Margaret Victoria Augusta Charlotte Norah, and of His Royal Highness the Prince Oscar Frederick William Olaf Gustavus Adolphus, will be agreed upon and expressed in a separate Marriage Contract.

This Contract shall be deemed to form an integral part of the present Treaty, and the High Contracting Parties hereby mutually engage themselves to be bound by its terms.

III. The present Treaty shall be ratified, and the ratifications shall be exchanged at Stockholm as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Stockholm, the 20th day of May, in the year of our Lord 1905.

(L.S.) RENNELL RODD.

(L.S.) AUG. F. GYLDENSTOLPE.

*AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Switzerland, concerning the Exchange of Money Orders.—Signed at London, October 8, and at Berne, October 17, 1905.**

ART. I. Between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, there shall be a regular exchange of money orders.

II. The Money Order Service between the contracting countries shall be performed exclusively by the agency of Offices of Exchange. On the part of the United Kingdom the Office of Exchange shall be that of London, and on the part of Switzerland that of Bâle.

III. All payments for money orders, whether by or to the public, shall be made in gold or in other legal money of the same current value.

* Signed also in the French language.

IV. The British Post Office and the Post Office of Switzerland shall each have the power to fix, from time to time, the rates of commission to be charged on the money orders which they may respectively issue; but each shall communicate to the other its tariff of charges or rates of commission established under the present Agreement. The commission shall belong to the issuing office; but the British Post Office shall allow to the Post Office of Switzerland one-half of 1 per cent. on the amount of money orders issued in the United Kingdom and payable in Switzerland, and the Post Office of Switzerland shall make a similar allowance to the British Post Office for money orders issued in Switzerland and payable in the United Kingdom. The rate of this allowance is subject to alteration by agreement between the two Offices.

V. The maximum amount for which a money order may be drawn in each country shall be 40*l.*, or the nearest practicable equivalent of that sum in the money of the country of issue.

VI. The applicant for every money order shall be required to furnish, if possible, the full surname and Christian name (or at least the initial of one Christian name) both of the remitter and of the payee, or the name of the firm or company who are the remitters or payees, and the address of the remitter and payee. If, however, a Christian name or an initial cannot be given, an order may nevertheless be issued at the remitter's risk.

VII. Each of the Contracting Administrations shall have power to fix, from time to time, the rate of conversion applicable to the money orders issued by it on condition of notifying that rate to the other Administration.

The conversion into Swiss money of sums advised by the United Kingdom for payment in Switzerland shall be effected at the British Exchange Office, and the conversion into British money of sums advised by Switzerland for payment in the United Kingdom shall be effected by the Swiss Exchange Office.

VIII. In the conversion of the amounts from the currency of the country of issue into the currency of the country of payment, fractions of a *1*l.** or 10 centimes in the resulting amounts shall be ignored.

IX. Each Office of Exchange shall communicate to the other daily by the night mail the sums received in its country for payment in the other, and for this purpose shall use forms of the pattern shown in the Appendices (A) and (B).

X. Every money order entered upon the lists shall bear a number (to be known as the international number), commencing each month with No. 1.

Similarly each list shall bear a serial number commencing every year with No. 1.

XI. The receipt of each list shall be acknowledged on either

side by means of the first subsequent list forwarded in the opposite direction, and any missing list shall be immediately applied for by the Office of Exchange to which it should have been sent. The dispatching Office of Exchange shall, in such case, transmit without delay to the receiving Office of Exchange a duplicate duly certified as such.

XII. The lists shall be carefully verified by the Office of Exchange to which they are sent, and corrected when they contain manifest errors. The corrections shall be communicated to the dispatching Office of Exchange in the acknowledgment of the receipt of the list in which the corrections are made.

When these lists show other irregularities, the Office of Exchange receiving them shall require an explanation from the dispatching Office of Exchange, which shall give such explanation with as little delay as possible.

In the meantime, the issue of internal money orders relating to the entries on the list which are found to be irregular shall be suspended.

XIII. As soon as the list shall have reached the receiving Office of Exchange, that office shall prepare internal money orders in favour of the payees for the amounts in the money of the country of payment specified in the list, and shall then forward such internal money orders to the payees or to the paying offices in conformity with the arrangements existing in each country for the payment of money orders.

XIV. When it is desired that an error in the name of a payee shall be corrected, or that the amount of a money order shall be repaid to the remitter, application must be made by the remitter to the chief office of the country in which the order was issued.

XV. Repayment of an order shall not in any case be made until it has been ascertained through the Chief Office of the country where such order is payable that the order has not been paid, and that the said office authorizes the repayment.

XVI. Orders shall remain payable in each country for twelve months after the expiration of the month of issue, and the amounts of all money orders not paid within that period shall revert to and remain the property of the Administration of the country of issue.

XVII. In the event of a money order being lost or destroyed a duplicate shall be granted on a written application (containing the necessary particulars) from the payee to the Chief Money Order Office of the country in which the original order was payable, and, unless there is reason to believe that the original order was lost in transmission through the post, the office issuing the duplicate shall be entitled to charge the same fee as would be chargeable for a duplicate order under its own internal regulations.

On the receipt of an application containing the necessary particulars from the remitter, instructions shall be given to stop payment of a money order.

XVIII. Money orders sent from one country to the other shall be subject as regards issue and payment to the rules in force in the country of origin and in the country of destination with regard to the issue and payment of internal money orders.

XIX. If the Swiss Post Office should desire to send money order remittances through the medium of the British Post Office to any of the foreign countries, British Colonies, &c., with which the British Post Office transacts money order business, it shall be at liberty to do so provided that the following conditions are fulfilled:—

(a.) The Swiss Post Office must advise the amounts of such “through” orders to the Money Order Department, London, which will re-advise them to the Exchange Offices of the countries of payment.

(b.) No order shall exceed the maximum amount fixed for the exchange between the United Kingdom and the country of destination.

(c.) The particulars of “through” orders must be entered either in red ink at the end of the ordinary advice lists dispatched to London or on separate sheets, the total amount of the “through” orders being included in the total of such lists.

(d.) The names and addresses of the payees, including the names of the town and country of payment, must be given as fully as possible.

(e.) The Swiss Post Office shall allow to the London office the same percentage (see Article IV) on “through” orders as on orders payable in the United Kingdom, the London office crediting the office of the country of payment with the same percentage for the “through” orders as for the orders issued in the United Kingdom, and for its intermediary services deducting from the amount of each revised order a special commission to be fixed by the British Post Office.

(f.) When the amount of a “through” order is repaid to the remitter, the commission charged to the intermediary service is not refunded.

If the British Post Office should desire to send money orders through the medium of the Swiss office to any countries with which the Swiss Post Office transacts money order business, it shall be at liberty to do so under similar conditions to those stated in the foregoing paragraphs.

Each Administration shall communicate to the other the names of the countries with which it transacts money order business, the limit of amount adopted by each, and the rates of commission deducted for its intermediary services.

XX. Telegraph money orders, for sums not exceeding the maximum amount allowed in the case of ordinary money orders, shall also be exchanged between the United Kingdom of Great Britain and Ireland and the Swiss Confederation.

XXI. The sender of a telegraph money order shall be required to pay, in addition to the commission to be fixed and retained by the country of origin, the cost of a telegram of advice from one country to the other.

Independently of the charges above mentioned, the British Post Office reserves to itself the right to levy from the sender of each telegraph money order from the United Kingdom to Switzerland a supplementary charge, the amount of which will be fixed and retained by the British Post Office.

XXII. All telegraph money orders payable in the United Kingdom shall be transmitted to the Central Telegraph Office in London, but those payable in Switzerland shall be transmitted direct to the paying offices.

In cases of telegrams of advice to places in Great Britain and Ireland, except London, the words "via London" shall appear in the preamble as a service instruction (free of charges).

The telegram of advice shall be in the French language, as follows:—

Mandat (number of the order at the post office of issue).

Postes (name of the office of payment).

* paie † pour ‡ .

The remitter of a telegraph money order shall be allowed, on paying at the ordinary rate for the extra words required, to add to the official telegram of advice any communication which he may wish to send to the payee.

XXIII. The telegraph money orders, or the corresponding advices of the same, shall be delivered to the payees in accordance with the provisions of the Service Regulations appended to the International Telegraph Convention (Revision of London) or the provisions substituted therefor in any subsequent Convention.‡

XXIV. The apportionment of the amounts received for telegrams of advice (Article XXI) shall accord with the regulations respecting the apportionment of amounts received for ordinary telegrams.

* Name of the remitter or remitters in accordance with the regulations for ordinary money orders.

† Amount in figures and (as regards the unit of currency, *i.e.*, pounds or francs) in words in the money of the country of payment.

‡ Name and address in full of the payee or payees in accordance with the regulations applying to ordinary money orders.

§ See Regulations revised in 1903. Vol. XCVII, page 736.

XXV. As in the case of ordinary money orders, the Administration of the country of issue shall account to the Administration of the country of payment for one-half of 1 per cent. on the amount of telegraph money orders advised. To this end the telegraph money orders shall be entered by the respective Offices of Exchange in advice lists in the same manner as ordinary money orders, but on separate sheets with the heading "Advised by Telegraph."

XXVI. In cases of fictitious orders in which it may be impossible to determine in which country a fraud may have been committed, or in cases of fraud or error in amount in connection with the transmission of telegrams of advice over the wires of intermediate countries or cable companies, the responsibility for any losses involved shall be shared equally by the Postal Administrations of the United Kingdom and Switzerland.

XXVII. In other respects telegraph money orders and the telegrams relating thereto shall be subject to the same general conditions as ordinary money orders and ordinary telegrams.

XXVIII. At the end of every month each Office of Exchange shall prepare and forward to the other—

(1.) A detailed statement, in duplicate, showing the total of each list forwarded from the other office during the month (see Appendix (C)).

(2.) A list showing the particulars of all orders issued in the other country which have not been paid within twelve months after the end of the month of issue, and have therefore become forfeited to the country of issue (see Appendix (D)).

The receiving Office of Exchange shall verify the statement "C" and return one copy accepted or corrected to the dispatching Office of Exchange.

XXIX. At the end of every quarter the General Post Office at Berne shall furnish to the Exchange Office at London a money order account (in duplicate) which shall include the following items:—

(a.) On the debit side (to the credit of the United Kingdom) the total of the lists dispatched from Bâle during the quarter, and the allowance due on the transactions (Article IV) less the total of Swiss orders authorized during the quarter to be repaid to the remitters and the total amount of Swiss orders which have become void during the quarter.

(b.) On the credit side (to the credit of Switzerland) the total of the lists which have been dispatched from London during the quarter and the allowance due on the transactions, less the total amount of orders authorized to be repaid in the United Kingdom, and the total amount of British orders which have become void during the quarter.

The Money Order Account shall be prepared on a form similar to that marked "E" in the Appendix, and shall contain detailed statements of the repaid and void orders. One copy of the account, duly accepted, shall be returned to Berne.

XXX. The account shall show the British credit in sterling and the Swiss credit in francs, but the balance shall be shown in francs, and in order that this may be done the total British credit shall be converted into francs at the rate 1*l.* = 25·26 francs. This rate may, however, be modified by agreement between the contracting countries when they shall consider it necessary.

XXXI. When the Swiss Post Office has to pay to the British Post Office the balance of the account, it shall do so at the time of forwarding the account, and when the British Post Office has to pay the balance it shall do so at the time of returning to Berne the duplicate of the account accepted.

Such payments shall be effected by means of acknowledgments of debt to be liquidated through the International Bureau at Berne.

XXXII. Should it appear at any time that money orders are used by mercantile men or other persons in the United Kingdom, or in Switzerland, for the transmission of large sums of money, the British Post Office or the Swiss Post Office, as the case may be, shall be authorized to increase the commission, and shall have power even wholly to suspend, for a time, the issue of money orders.

XXXIII. The General Post Office in each country shall be authorized to adopt any additional rules (if not in contradiction to the foregoing) for the greater security against fraud, or for the better working of the system generally.

All such additional rules, however, must be communicated to the General Post Office of the other country.

XXXIV. This Agreement shall supersede the Articles concerning money orders in the Postal Convention of the 31st October, 1868,* and the Additional Articles thereto dated 14th (25th) July, 1871,† and 17th (22nd) January, 1900,‡ and shall come into operation on the 1st November, 1905, and shall be terminable on a notice by either Party of six calendar months.

Done in duplicate and signed at London on the 8th October, 1905; and at Berne on the 17th October, 1905.

(L.S.) STANLEY.

(L.S.) LUTZ.

[Here follow Forms (A) to (E), not printed.]

* Vol. LVIII, page 841.

† Vol. LXII, page 1178.

‡ Vol. XCII, page 71.

CONVENTION between Great Britain and the United States of America, respecting Extra-territorial Jurisdiction in Zanzibar.—Signed at Washington, February 25, 1905.

[Ratifications exchanged at Washington, June 12, 1905.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, and the United States of America, have, for the purposes hereinafter stated, appointed as their Plenipotentiaries, namely:

His Britannic Majesty, the Right Honourable Sir Henry Mortimer Durand, G.C.M.G., K.C.S.I., K.C.I.E., his Ambassador Extraordinary and Plenipotentiary near the Government of the United States; and

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States of America:

Who, after having communicated each to the other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I. The United States of America agrees to renounce in the British Protectorate of Zanzibar, and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which lies within the Protectorate of British East Africa, the extra-territorial rights secured to it by the Treaty of the 21st September, 1833,* between the United States and the Sultan of Muscat, and the Treaty of the 3rd July, 1886,† between the United States and Zanzibar.

The jurisdiction exercised thereunder by Consular Courts of the United States in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, and all the exceptional privileges, exemptions, and immunities enjoyed by citizens of the United States as a part of or appurtenant to such jurisdiction, shall absolutely cease and determine. It being understood, however, that this renunciation shall not take effect until such time as the rights of extraterritoriality enjoyed in Zanzibar by other nations shall have been likewise renounced.

II. In consideration of this renunciation by the United States of America, the Government of His Britannic Majesty agrees to

* Vol. XXII, page 587.

† Vol. LXXVIII, page 777.

empower the competent British Courts which have been established in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, to exercise jurisdiction over citizens of the United States the same as over British subjects and British protected persons, and that citizens of the United States shall have in and before said Courts all the rights and privileges that belong and are accorded therein to British subjects and to British protected persons.

III. The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratification shall be exchanged at Washington as soon as possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at the city of Washington, this 25th day of February, in the year of our Lord 1905.

(L.S.) H. M. DURAND.

(L.S.) JOHN HAY.

AGREEMENT between the Post Office of Great Britain and the Post Office Department of the United States of America, for the Direct Exchange of Parcels by Parcel Post.—Signed at London, February 3, and at Washington, February 17, 1905.

FOR the purpose of making better postal arrangements between the United Kingdom of Great Britain and Ireland and the United States of America, the undersigned, Edward George Villiers Stanley, C.B., commonly called Lord Stanley, His Majesty's Postmaster-General, and Robert J. Wynne, Postmaster-General of the United States of America, have agreed upon the following Articles for the establishment of an exchange of parcels by parcel post between the United Kingdom and the United States:—

ART. I. The provisions of this Agreement relate only to parcels to be exchanged by the system herein provided for, and do not affect the arrangements now existing under the Universal Postal Union Convention, which will continue as heretofore; and all the conditions hereinafter specified apply exclusively to mails exchanged under the present Agreement directly between such offices in the United Kingdom and the United States as may from time to time be designated offices of exchange by mutual consent.

II.—1. With the exception of the articles specifically prohibited by Article III there shall be admitted to the parcel mails all articles which are admitted to the mails under any conditions in the internal service of the country of origin and the country of destination. No parcel may, however, exceed 10 $\frac{1}{2}$ or 50 dollars in value, 4 lb. 6 oz. (or 2 kilog.) in weight, nor the following dimensions: greatest length in any direction, 3 ft. 6 in.; greatest length and girth combined, 6 ft.

2. Every parcel must bear the exact address of the addressee, and must be packed in a manner adequate for the length of the journey and the protection of its contents. The packing must be of such a nature as to permit the contents to be easily examined by officers of the Post Office or of the Customs.

III.—1. It is forbidden to send by post—

(a.) Parcels containing letters, or communications of the nature of a letter; live animals, except bees in properly constructed boxes; dead animals, except insects and reptiles when thoroughly dried; fruits and vegetables which easily decompose; publications which violate the copyright laws of the country of destination; poisons and explosive or inflammable substances; liquids and substances which easily liquefy; lottery tickets, lottery advertisements, or lottery circulars; all obscene or immoral articles, or articles the admission of which is not authorized by the Customs or other laws or regulations of either country, and, in general, articles the conveyance of which is dangerous.

A parcel may, however, contain an open invoice in its simplest form.

2. No parcel may contain an inclosure which bears an address other than that borne by the parcel itself.

3. If a parcel contravening any of these prohibitions or not conforming to the stipulations of Article II be handed over by one Administration to the other, the latter shall proceed in the manner and with the formalities prescribed by its law or inland regulations.

4. The two Administrations shall furnish each other (from time to time) with a list of prohibited articles; but they will not thereby undertake any responsibility whatever towards the police, the Customs authorities, or the senders of parcels.

IV.—1. The following rates of postage shall in all cases be fully prepaid by means of postage stamps of the country of origin, viz.:—

2. In Great Britain for every parcel of 4 lb. 6 oz. or less in weight, 2s.

3. In the United States for a parcel not exceeding 1 lb in weight, 12 cents; and for each additional pound or fraction of a pound, 12 cents.

4. The parcel shall be promptly delivered to addressees in accordance with the inland regulations of the country of destination, free of charge for postage; but the country of destination may at its option levy and collect from the addressee for interior service and delivery a charge, the amount of which is to be fixed according to its own regulations, but which shall in no case exceed in the United Kingdom $2\frac{1}{2}$ d., and in the United States 5 cents, for each parcel whatever its weight.

V. The sender may at the time of posting obtain a certificate of posting on the form provided for the purpose.

VI. The parcels to which the present Agreement applies cannot be subjected to any postal charge other than those contemplated by the different Articles of this Agreement.

VII.—1. The sender of each parcel shall make a customs declaration upon a special form provided for the purpose, giving a general description of the parcel, an accurate statement of its contents and value, the date of posting, and the sender's signature and place of address. This declaration shall be pasted upon or attached to the parcel.

2. The parcels in question shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenues; and the customs duties properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination.

3. The Administrations decline all responsibility for the correctness of the customs declarations.

VIII.—1. Each country shall retain to its own use the whole of the postages and delivery fees it collects on the said parcels; consequently this Agreement will give rise to no postage accounts between the two countries.

2. The foregoing clause, however, shall not preclude either Office from proposing a system of accounts, or of insurance or registration of parcels, after some experience has been gained of the working of the post; and if such arrangement be made the necessary modifications in the provisions of the present Agreement shall be carried out by mutual consent.

IX.—1. The parcels shall be considered as a component part of the mails exchanged direct between the United Kingdom and the United States, to be dispatched to destination by the country of origin at its cost, and by such means as it provides; but they must be forwarded, at the option of the dispatching office, either in boxes or baskets prepared expressly for the purpose, or in ordinary mail sacks, marked "Parcel Post," and securely sealed with wax, or otherwise, as may be mutually agreed upon.

2. Each country shall promptly return empty to the dispatching office by next mail all such receptacles.

X. Each dispatch of a parcel post mail must be accompanied by a descriptive list, in duplicate, of all the parcels sent, showing distinctly the list number of each parcel, the office of origin, the name of the addressee with address of destination, and the declared contents and value. This list must be inclosed in one of the receptacles composing the mail.

XI.—1. As soon as a parcel mail shall have reached the office of destination, that office shall check the contents of the mail.

2. In the event of the parcel bill not having been received, a substitute shall at once be prepared.

3. Any errors in the entries on the parcel bill which may be discovered shall, after verification by a second officer, be corrected and reported to the dispatching office by means of a verification note, which should be sent in a special envelope.

4. If a parcel advised on the bill be not received, the entry on the bill shall be cancelled after the non-receipt has been verified by a second officer, and the circumstance reported at once.

5. Should a parcel be received in a damaged or imperfect condition, full particulars shall be reported by means of a verification note.

6. If no verification note or note of error be received, a parcel mail shall be considered as duly delivered, and as having been found on examination correct in all respects.

XII.—1. Missent parcels shall be immediately returned to the dispatching office of exchange. Attention shall be called to the error by means of a verification note.

2. If a parcel cannot be delivered as addressed or is refused by the addressee, the sender shall be consulted (through the Administration of the country of origin) as to its disposal. If within two months of the dispatch of the notice of non-delivery the office of destination shall not have received instructions from the sender the parcel shall be treated as abandoned.

3. Parcels redirected from one country to the other, or parcels returned at the sender's request, incur a supplementary charge on the basis of the rates fixed by Article IV, which may be collected either in advance or on delivery, as may be convenient. Parcels redirected from one address to another in the country of destination are subject to such additional charge as the domestic regulations of that country prescribe.

4. Articles liable to deterioration or corruption may, however, be sold immediately, without previous notice or legal formality, for the benefit of the right party. An account of the sale shall be drawn up.

The sum realized by the sale shall be used in the first place to defray the charges upon the parcel. Any balance which there may be shall be remitted to the office of origin to be paid to the sender.

If for any reason a sale is impossible the spoilt or worthless articles are destroyed or taken possession of by the Customs.

5. The customs duties on parcels which have to be sent back to the country of origin or redirected to a third country shall be cancelled both in the United Kingdom and in the United States.

XIII. Neither of the Contracting Administrations will be responsible for the loss or damage of any parcel, consequently no indemnity can be claimed by the sender or addressee in either country.

XIV.—1. The internal legislation of both the United Kingdom and the United States shall remain applicable as regards everything not provided for by the stipulations contained in the present Agreement.

2. The Administrations shall communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by parcel post.

3. They shall regulate the mode of transmission of these parcels, and fix all other measures of detail and order necessary for insuring the performance of the present Agreement.

XV. This Agreement shall come into operation the 1st day of April, 1905, and shall be terminable on a notice of six months by either Party.

Done in duplicate at London on the 3rd day of February, 1905; and at Washington on the 17th day of February, 1905.

(L.S.) STANLEY.

(L.S.) ROBERT J. WYNNE, *Postmaster-General of the United States of America.*

The foregoing Convention between the United Kingdom of Great Britain and Ireland and the United States of America has been negotiated and concluded with my advice and consent, and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

(L.S.) THEODORE ROOSEVELT.

By the President,

JOHN HAY, *Secretary of State,*

Washington, February 17, 1905.

AWARD of the Arbitration Tribunal appointed to decide on the Question of the Grant of the French Flag to Muscat Dhows. The Hague, August 8, 1905.

LE Tribunal d'Arbitrage constitué en vertu du Compromis conclu à Londres le 13 Octobre, 1904,* entre la France et la Grande-Bretagne;

Attendu que le Gouvernement Français et celui de Sa Majesté Britannique ont jugé convenable, par la Déclaration du 10 Mars, 1862,† “de s'engager réciproquement à respecter l'indépendance” de Sa Hautesse le Sultan de Mascate;

Attendu que des difficultés se sont élevées sur la portée de cette Déclaration relativement à la délivrance, par la République Française, à certains sujets de Sa Hautesse le Sultan de Mascate de pièces les autorisant à arborer le pavillon Français, ainsi qu'au sujet de la nature des privilèges et immunités revendiqués par les sujets de Sa Hautesse, propriétaires ou commandants de boutres (“dhows”) qui sont en possession de semblables pièces ou qui sont membres de l'équipage de ces boutres et leurs familles, particulièrement en ce qui concerne le mode suivant lequel ces privilèges et ces immunités affectent le droit de juridiction de Sa Hautesse le Sultan sur ses dits sujets;

Attendu que les deux Gouvernements sont tombés d'accord par le Compromis du 13 Octobre, 1904, de faire décider ces difficultés par voie d'arbitrage conformément à l'Article I de la Convention conclue par les deux Puissances le 14 Octobre, 1903;‡

Attendu qu'en exécution de ce Compromis ont été nommés Arbitres—

Par le Gouvernement de Sa Majesté Britannique, M. Melville W. Fuller, Chief Justice des États-Unis d'Amérique;

Et par le Gouvernement de la République Française, M. le Jonkheer A. F. de Savornin Lohman, Docteur en Droit, Ancien Ministre de l'Intérieur des Pays-Bas, Ancien Professeur à l'Université Libre à Amsterdam, Membre de la Seconde Chambre des États-Généraux;

Attendu que ces Arbitres n'étant pas tombés d'accord dans le délai d'un mois à partir de leur nomination sur le choix d'un Surarbitre, ce choix étant dévolu dès lors en vertu de l'Article I du Compromis au Roi d'Italie, Sa Majesté a nommé comme Surarbitre :

M. Henri Lammasch, Docteur en Droit, Professeur de Droit

* Page 46.

† Vol. LVII, page 785.

‡ Vol. XCVI, page 35.

International à l'Université à Vienne, Membre de la Chambre des Seigneurs du Parlement Autrichien ;

Attendu que les Mémoires, Contre-Mémoires, et Conclusions ont été dûment communiqués au Tribunal et aux Parties ;

Attendu que le Tribunal a examiné avec soin ces documents, et les observations supplémentaires qui leur ont été présentées par les deux Parties ;

Quant à la première question :

Considérant, qu'en général il appartient à tout Souverain de décider à qui il accordera le droit d'arborer son pavillon et de fixer les règles auxquelles l'octroi de ce droit sera soumis, et considérant qu'en conséquence l'octroi du pavillon Français à des sujets de Sa Hautesse le Sultan de Mascate ne constitue en soi aucune atteinte à l'indépendance du Sultan ;

Considérant que néanmoins un Souverain peut être limité dans l'exercice de ce droit par des Traités, et considérant que le Tribunal en vertu de l'Article XLVIII de la Convention pour le règlement pacifique des conflits internationaux du 29 Juillet, 1899,* et de l'Article V du Compromis du 13 Octobre, 1904, "est autorisé à déterminer sa compétence en interprétant le Compromis, ainsi que les autres Traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international," et qu'en conséquence la question se pose sous quelles conditions les Puissances qui ont accédé à l'Acte Générale de la Conférence de Bruxelles du 2 Juillet, 1890,† concernant la suppression de la Traite des Esclaves Africaine, spécialement à l'Article XXXII de cet Acte, ont le droit d'autoriser des navires indigènes à arborer leurs pavillons ;

Considérant que par l'Article XXXII de cet Acte la faculté des Puissances Signataires d'octroyer leur pavillon à des navires indigènes a été limitée dans le but de supprimer la Traite des Esclaves et dans les intérêts généraux de l'humanité sans faire aucune distinction si celui qui sollicite le droit d'arborer le pavillon appartient à un État Signataire ou non, et considérant qu'en tout cas la France est liée vis à vis de la Grande-Bretagne de n'octroyer son pavillon que sous les conditions prescrites par cet Acte ;

Considérant que pour atteindre le but susdit les Puissances Signataires de l'Acte de Bruxelles sont convenues par l'Article XXXII que l'autorisation d'arborer le pavillon d'une des dites Puissances ne sera accordée à l'avenir qu'aux bâtiments indigènes qui satisferont à la fois aux trois conditions suivantes :—

1. Les armateurs ou propriétaires devront être sujets ou protégés de la Puissance dont ils demandent à porter les couleurs ;
2. Ils seront tenus d'établir qu'ils possèdent des bien-fonds dans

* Vol. XCI, page 970.

† Vol. LXXXII, page 55.

la circonscription de l'autorité à qui est adressée leur demande, ou de fournir une caution solvable pour la garantie des amendes qui pourraient être éventuellement encourues ;

3. Les dits armateurs ou propriétaires, ainsi que le capitaine du bâtiment, devront fournir la preuve qu'ils jouissent d'une bonne réputation et notamment n'avoir jamais été l'objet d'une condamnation pour faits de Traite ;

Considérant qu'à défaut d'une définition du terme "protégé" dans l'Acte Général de la Conférence de Bruxelles, il faut entendre ce terme dans le sens qui correspond le mieux tant aux intentions élevées de cette Conférence et de l'Acte Final qui en est résulté qu'aux principes du droit international tels qu'ils ont été exprimés dans les Conventions en vigueur à cette époque, dans la législation nationale en tant qu'elle a obtenu une reconnaissance internationale et dans la pratique du droit des gens ;

Considérant que le but de l'Article XXXII susdit est de n'admettre à la navigation dans ces mers infestées par la Traite des Esclaves que ceux des navires indigènes qui sont soumis à la plus stricte surveillance des Puissances Signataires, condition dont l'accomplissement ne peut être assuré que si les propriétaires, armateurs et équipages de ces navires sont exclusivement soumis à la souveraineté et à la juridiction de l'État sous le pavillon duquel ils exercent la navigation ;

Considérant que depuis la restriction que le terme "protégé" a subie en vertu de la législation de la Porte Ottomane en 1863, 1865 et 1869, spécialement de la Loi Ottomane du 23 Sefer, 1280 (Août 1863), implicitement acceptée par les Puissances qui jouissent du droit des Capitulations, et depuis le Traité conclu entre la France et le Maroc en 1863,* auquel ont accédé un grand nombre d'autres Puissances et qui a obtenu la sanction de la Convention de Madrid du 30 [*sic*, ? 3] Juillet, 1880,† le terme "protégé" n'embrasse par rapport aux États à Capitulations que les catégories suivantes : (1) les personnes sujets d'un pays qui est sous le protectorat de la Puissance dont elles réclament la protection ; (2) les individus qui correspondent aux catégories énumérées dans les Traités avec le Maroc de 1863 et de 1880 et dans la Loi Ottomane de 1863 ; (3) les personnes qui par un Traité Spécial ont été reconnues comme "protégés," telles que celles énumérées par l'Article IV de la Convention Franco-Mascataise de 1844;‡ et (4) les individus qui peuvent établir qu'ils ont été considérés et traités comme protégés par la Puissance en question avant l'année dans laquelle la création de nouveaux protégés fut réglée et limitée, c'est-à-dire, avant l'année

* Vol. LXVI, page 734.

† Vol. LXXI, page 639.

‡ Vol. XXXV, page 1012.

1863, ces individus n'ayant pas perdu leur *status* une fois légitimement acquis ;

Considérant que, quoique les Puissances n'aient renoncé *expressis verbis* à l'exercice du prétendu droit de créer des protégés en nombre illimité que par rapport à la Turquie et au Maroc, néanmoins l'exercice de ce prétendu droit a été abandonné de même par rapport aux autres États Orientaux, l'analogie ayant toujours été reconnue comme un moyen de compléter les dispositions écrites très défectueuses des Capitulations, en tant que les circonstances sont analogues ;

Considérant d'autre part que la concession *de facto* de la part de la Turquie, de transmettre le *status* de "protégés" aux descendants de personnes qui en 1863 avaient joui de la protection d'une Puissance Chrétienne, ne peut être étendue par analogie à Mascate, les circonstances étant entièrement différentes, puisque les protégés des États Chrétiens en Turquie sont d'une race, nationalité et religion différentes de celles de leurs maîtres Ottomans, tandis que les habitants de Sour et les autres Mascatais qui pourraient solliciter le pavillon Français se trouvent à tous ces égards entièrement dans la même condition que les autres sujets du Sultan de Mascate ;

Considérant que les dispositions de l'Article IV du Traité Franco-Mascatais de 1844 s'appliquent seulement aux personnes qui sont *bonâ fide* au service des Français, mais pas aux personnes qui demandent des titres de navires dans le but d'exercer quelque commerce ;

Considérant que le fait d'avoir donné avant la ratification de la Convention de Bruxelles le 2 Janvier, 1892, des autorisations d'arborer le pavillon Français à des navires indigènes ne répondant pas aux conditions prescrites par l'Article XXXII de cet Acte n'était pas en contradiction avec une obligation internationale de la France ;

Par ces motifs, décide et prononce ce qui suit :—

1. Avant le 2 Janvier, 1892, la France avait le droit d'autoriser des navires appartenant à des sujets de Sa Hautesse le Sultan de Mascate à arborer le pavillon Français, n'étant liée que par ses propres lois et règlements administratifs :

2. Les boutriers qui avant 1892 avaient été autorisés par la France à arborer le pavillon Français, conservent cette autorisation aussi longtemps que la France la continue à celui qui l'avait obtenue :

3. Après le 2 Janvier, 1892, la France n'avait pas le droit d'autoriser des navires appartenant à des sujets de Sa Hautesse le Sultan de Mascate à arborer le pavillon Français, que sous condition

que leurs propriétaires ou armateurs avaient ou auraient établi qu'ils ont été considérés et traités par la France comme ses "protégés" avant l'année 1863.

Quant à la deuxième question :—

Considérant que la situation légale de navires portant des pavillons étrangers et des propriétaires de ces navires dans les eaux territoriales d'un État Oriental est déterminée par les principes généraux de juridiction, par les Capitulations ou autres Traités, et par la pratique qui en est résultée ;

Considérant que les termes du Traité d'Amitié et de Commerce entre la France et l'Iman de Mascate du 17 Novembre, 1844, sont, surtout en raison des expressions employées dans l'Article III, "Nul ne pourra, sous aucun prétexte, pénétrer dans les maisons, magasins et autres propriétés possédés ou occupées par des Français ou par des personnes au service des Français, ni les visiter sans le consentement de l'occupant, à moins que ce ne soit avec l'intervention du Consul de France," assez larges pour embrasser aussi bien des navires que d'autres propriétés ;

Considérant que, quoiqu'il ne saurait être nié qu'en admettant le droit de la France d'octroyer dans certaines circonstances son pavillon à des navires indigènes et de soustraire ces navires à la visite par les autorités du Sultan ou en son nom, la Traite des Esclaves est facilitée, parce que les marchands d'esclaves pour se soustraire à la recherche peuvent facilement abuser du pavillon Français, la possibilité d'un tel abus, qui peut être entièrement supprimé par l'accession de toutes les Puissances à l'Article XLII de l'Acte de Bruxelles, ne peut exercer aucune influence sur la décision de cette affaire, qui ne doit être fondée que sur des motifs d'ordre juridique ;

Considérant qu'en vertu des Articles XXXI—XLI de l'Acte de Bruxelles l'octroi du pavillon à un navire indigène est strictement limité à ce navire et à son propriétaire, et que dès lors il ne peut être transmis ou transféré à quelque autre personne ni à quelque autre navire, même si celui-ci appartenait au même propriétaire ;

Considérant que l'Article IV du Traité Franco-Mascatais assure aux sujets de Sa Hautesse le Sultan de Mascate "qui seront au service des Français" la même protection qu'aux Français eux-mêmes, mais considérant que les propriétaires, commandants et équipages des boutres autorisés à arborer le pavillon Français n'appartiennent pas à cette catégorie de personnes et encore moins les membres de leurs familles ;

Considérant que le fait de soustraire ces personnes à la souveraineté, spécialement à la juridiction, de Sa Hautesse le Sultan de Mascate en contradiction avec la Déclaration du 10 Mars, 1862,

par laquelle la France et la Grande-Bretagne se sont engagés réciproquement à respecter l'indépendance de ce Prince;

Par ces motifs, décide et prononce ce qui suit:—

1. Les boutres ("dhows") de Mascate qui ont été autorisés, ainsi qu'il a été indiqué ci-dessus, à arborer le pavillon Français, ont dans les eaux territoriales de Mascate le droit à l'inviolabilité, réglée par le Traité Franco-Mascatais du 17 Novembre, 1844;

2. L'autorisation d'arborer le pavillon Français ne peut être transmise ou transférée à quelque autre personne ou à quelque autre boutre ("dhow"), même si celui-ci appartenait au même propriétaire;

3. Les sujets du Sultan de Mascate qui sont propriétaires ou commandants de boutres ("dhows") autorisés à arborer le pavillon Français, ou qui sont membres des équipages de tels boutres ou qui appartiennent à leurs familles, ne jouissent en conséquence de ce fait d'aucun droit d'extraterritorialité qui pourrait les exempter de la souveraineté, spécialement de la juridiction, de Sa Hautesse le Sultan de Mascate.

Fait à La Haye, dans l'Hôtel de la Cour Permanente d'Arbitrage, le 8 Août, 1905.

H. LAMMASCH.

MELVILLE W. FULLER.

A. F. DE SAVORNIN LOHMAN.

AGREEMENT between the General Post Office of the United Kingdom of Great Britain and Ireland and the Imperial German Post Office, relative to the Use by the Indo-European Telegraph Company of Wires in the Anglo-German Cables.
—Signed at ^{London}_{Berlin}, January $\frac{7}{24}$, 1905.*

WHEREAS Agreements dated the 15th October, 1904, have been concluded—

(a.) Between the Post Office of the United Kingdom of Great Britain and Ireland and the Indo-European Telegraph Company of London (hereinafter called "the Company") for the lease by the Company of a wire in the British cable between Lowestoft and Norderney; and

(b.) Between the Imperial German Post Office in Berlin and the Company for the lease by the Company of a wire in the German

* Signed also in German.

cable between Emden, Borkum, and Lowestoft, and also of a wire between Emden and Norderney, to be used in connection with the aforesaid wire in the British cable:

Now, therefore, the Post Office of the United Kingdom of Great Britain and Ireland and the Imperial German Post Office agree as follows:—

1. The Contracting Administrations declare their mutual concurrence in the aforesaid Agreements between the respective Administrations and the Company.

An attested copy of each Agreement is annexed to the present document.

2. In the event of the interruption of wires in the Anglo-German cables other than those leased to the Company, one of the leased cable wires, including, if necessary, the leased line between Emden and Norderney, shall, if either of the two Contracting Administrations so desires, be withdrawn from the Company during the continuance of the interruption:

Provided nevertheless that one of the two leased cable wires, or a wire substituted therefor in accordance with clause 3 of this Agreement, shall be left at the disposal of the Company in working condition. The chiefs of the Telegraph Offices in London and Emden shall mutually determine, according to the circumstances of the traffic from time to time, which of the cable wires shall be withdrawn from and which left at the disposal of the Company.

3. In the event of the interruption of one of the leased wires, another wire in one of the Anglo-German cables, and, if necessary, another wire between Emden and Norderney shall, with mutual concurrence, if the circumstances of the traffic permit, be placed at the disposal of the said Company during the continuance of the interruption or for some hours daily. The arrangements to be made for this purpose shall be mutually determined from time to time by the chiefs of the Telegraph Offices in London and Emden.

4. The arrangements as to the working of the apparatus, batteries, and other material used in connection with each of the leased wires shall be subject to the approval of the Administration from whom the wire is leased.

5. If, in consequence of the withdrawal of a leased wire for more than thirty consecutive days, or for more than forty-two days in all in one calendar year, or in consequence of the interruption of a leased wire for more than forty-two days, the rental for the wire is waived wholly or in part, one-half of the amount so waived shall be borne by each of the Contracting Administrations.

6. If either of the Contracting Administrations should desire to exercise the right of notice or determination reserved respectively by clauses 15 and 16 of the British Agreement, and by clauses 8

and 9 of the German Agreement, with the Company, then the other Administration shall be bound to exercise in like manner its similar right of notice or determination.

Nevertheless, the two Contracting Administrations agree that each Administration shall inform the other in reasonable time of any proposed exercise of such right, and shall allow sufficient opportunity for reply before it proceeds to exercise this right of notice or determination.

7. Neither of the Contracting Administrations shall, without the concurrence of the other Administration, consent to the assignment or transfer of its Agreement with the Company or of the Company's rights or obligations thereunder.

In witness whereof the two Contracting Administrations have signed this Agreement in duplicate.

London, January 7, 1905.

(L.S.) STANLEY, *Postmaster - General of the United Kingdom of Great Britain and Ireland.*

Berlin, den 24 Januar, 1905.

(L.S.) KRAETKE, *Staatssekretär des Kaiserlich Deutschen Reichs-Postamts.*

Annex 1.

AGREEMENT between the Post Office of the United Kingdom of Great Britain and Ireland and the Indo-European Telegraph Company (Limited).

THIS Indenture, made the 15th day of October, 1904, between the Right Honourable Edward George Villiers Stanley, C.B., commonly called Lord Stanley, His Majesty's Postmaster-General (who and whose successors in office are intended to be hereinafter included in the term "the Postmaster-General"), on behalf of His Majesty, of the one part, and the Indo-European Telegraph Company (Limited), the registered office of which is at No. 18, Old Broad Street, in the City of London (hereinafter referred to as "the Company"), of the other part.

Whereas by an Agreement of even date herewith, and made between the German Post Office and the Company, the Imperial Telegraph Administration of Germany leased to the Company (*inter alia*) a wire in a submarine cable containing four wires, and laid between Lowestoft, in the county of Suffolk, and Borkum and

Emden, in the Empire of Germany, upon the terms and subject to the conditions in the said Agreement contained ;

And whereas the Postmaster-General is the owner of a submarine telegraph cable containing four wires, and laid between Lowestoft, in the county of Suffolk, and Norderney, in the Empire of Germany (hereinafter called "the Norderney Cable");

And whereas for some time past the Postmaster-General has appropriated and maintained for the use of the Company a wire in the Norderney Cable, and it has been agreed that the said appropriation and maintenance shall be continued during the term of this Indenture upon the terms and conditions hereinafter set forth ;

Now, therefore, these presents witness, and it is hereby agreed and declared between and by the parties hereto as follows, that is to say :—

1. During the continuance of these presents, as hereinafter provided, the said wire in the Norderney Cable (hereinafter called "the appropriated wire") shall be appropriated and set apart to and for the exclusive use of the Company for the purposes hereinafter mentioned.

2. In case the Postmaster-General shall at any time or times require the use of the appropriated wire on account of the interruption of other wires between the United Kingdom and Germany, he may retake and resume possession of the said wire, and retain possession of and work the said wire, for such period as he may think fit: Provided that the Postmaster-General shall only exercise the power conferred by this clause when and so long as the wire in the German cable from Emden and Borkum to Lowestoft (which is, *inter alia*, the subject of the hereinbefore-recited Agreement between the German Post Office and the Company), or any wire appropriated for the use of the Company in lieu thereof, is at the disposal of the Company and in good working order: Provided also that, should the withdrawal of the appropriated wire continue uninterruptedly during any one calendar year for more than thirty consecutive days, or for more than forty-two days in all, a deduction shall be made from the yearly rent or sum payable by the Company as hereinafter provided equivalent to the rent or sum payable in respect of the period in excess of the said thirty or forty-two days respectively during which such withdrawal of the said wire may continue.

3. The Company shall not, by reason of this Indenture or otherwise, acquire any property in the appropriated wire.

4. Subject to the foregoing provisions, the appropriated wire shall during the continuance of this Agreement be worked by the Company exclusively for the purpose of transmitting thereby such telegrams as are hereinafter mentioned, and the Company shall

provide and maintain their own instruments and batteries for working the said wire, and shall work the said wire, so far as the same is in the United Kingdom, entirely at their own cost.

5. The Company may during the continuance of this Indenture transmit through the appropriated wire in the direction from Lowestoft aforesaid to the continent of Europe any telegrams which originate in or which, although not originating in, are transmitted through the United Kingdom of Great Britain and Ireland, and which are intended to be delivered in or transmitted through Persia or any country east of Persia, or are intended to be finally delivered to an addressee in some part of Russia lying south of the 50th degree of latitude (which part of Russia is hereinafter called "Southern Russia"), or in some part of Turkey; and the Company may likewise transmit through the appropriated wire in the reverse direction, from the continent of Europe to Lowestoft aforesaid, any telegrams which originate in Persia or any country east of Persia, or in any part of Southern Russia, or in any part of Turkey, and which are intended to be delivered in or transmitted through the United Kingdom (all which telegrams and classes of telegrams hereinbefore described are hereinafter for convenience collectively called "Indo-European telegrams"); and the Company may also transmit through the appropriated wire in either direction service telegrams (that is to say, telegrams for regulating rates to be charged for telegrams, or relating to the repair, maintenance, and mode of working the appropriated wire, or changing or readjusting the wires or staff of the Company, or the instruments or apparatus used in connection with the Company's telegraphs), and also press telegrams (that is to say, telegrams consisting of news intended for publication in a newspaper or newspapers, and having the same origin and destination in respect of territory as the Indo-European telegrams hereinbefore described), all which Indo-European telegrams, service telegrams, and press telegrams are hereinafter collectively called "authorized telegrams:" Provided always that, with reference to such telegrams as aforesaid as are deliverable or originate in any part of Russia lying south of the 50th degree of latitude or in any part of Turkey, the Postmaster-General may give the Company not less than one calendar month's notice in writing not to transmit or deliver any such telegrams, and after the expiration of such notice the definition of Indo-European telegrams hereinbefore contained shall be read and construed as if the class of telegrams named in such notice had been herein expressly excepted from such definition.

6. The appropriated wire shall be open for the telegrams of all persons alike without favour or preference, regard being had to difference of time owing to the situation of the places of destination

of such telegrams: Provided that Government telegrams within the meaning of Article V of the International Telegraph Convention of St. Petersburg of the ^{10th}/_{22nd} July, 1875* (hereinafter called "the International Convention"), shall at all times be transmitted and delivered in priority to all other telegrams whatsoever.

7. The International Convention and the Regulations annexed thereto, or any Regulations for the time being in force in substitution for or amendment of such Regulations (all which Regulations are hereinafter referred to as "International Regulations"), shall be observed and followed by the Company for the purposes of this Agreement so far as the same may relate to or affect the use of the appropriated wire for the transmission of authorized telegrams.

8. The Company shall keep (in such form as the Postmaster-General may from time to time require) full particulars of every telegram transmitted by means of the appropriated wire, and such particulars shall be open to the inspection of the Postmaster-General, his officers, agents, and servants between 10 A.M. and 5 P.M. on any day except Sunday or a Statute or general holiday.

9. The Company shall not, in working the appropriated wire, use any instrument, battery, apparatus, or materials which in the opinion of the Postmaster-General shall or may injure or be likely to injure the appropriated wire or any part thereof, or may cause injury to or interference with any other wire of the Postmaster-General; and the Company shall within twenty-four hours after notice in writing shall have been sent to their registered office by the Postmaster-General complaining of the use of any such instrument, battery, apparatus, or materials immediately discontinue the use of such instrument, battery, apparatus, or materials, and make good to the satisfaction of the Postmaster-General any injury sustained by the appropriated wire thereby; and the Company shall permit the Postmaster-General, by his engineers, electricians, or any other officers who may be appointed by him for such purpose (with or without notice to the Company), to inspect from time to time the instruments, batteries, apparatus, and materials used or intended to be used by the Company in and about the working of the appropriated wire.

10. During the continuance of this Indenture the Postmaster-General shall maintain or cause to be maintained the appropriated wire in good and efficient working order, repairing with all reasonable speed any interruptions and defects therein; but the Postmaster-General shall not incur any liability to the Company (either in damages or otherwise) for or in respect of any interruption or defect in the maintenance of the said wire: Provided always that the Postmaster-General shall not be liable to make good or procure

to be made good any damage or injury to the appropriated wire which may (in his opinion) be occasioned by the act, neglect, or default of the Company or any of their servants or agents; and if the Postmaster-General shall make good or procure to be made good any such damage or injury as aforesaid, the costs and expenses of so doing (as certified by the Engineer-in-chief of the Post Office) shall be forthwith repaid by the Company to the Postmaster-General.

11. In consideration of the appropriation and maintenance of the appropriated wire for the use of the Company in the manner and for the purposes hereinbefore provided, the Company shall during the continuance of this Agreement pay to the Postmaster-General the yearly rent or sum of 3,500*l*.

12. If and so often as the efficient working of the appropriated wire shall from any cause be interrupted, the Postmaster-General shall appropriate for the exclusive use of the Company, and free of charge to the Company (except the yearly rent or sum hereinbefore mentioned), another wire in lieu of the appropriated wire if such appropriation shall, in the opinion of the Postmaster-General, be practicable. Whether such appropriation be made or not, no deduction shall be made from the said yearly rent or sum payable by the Company under these presents in respect of the appropriated wire until such interruption has continued for more than forty-two days; but if the said interruption shall continue for a period of more than forty-two days, a deduction shall be made from the said yearly rent or sum payable by the Company under these presents in respect of the said wire of an amount equivalent to one moiety or equal half-part of the rent or sum which shall accrue payable in respect of the period during which such interruption of the said wire may continue over the said forty-two days. And if the same interruption of the said wire shall continue for a period of more than eighty-four days, the said yearly rent or sum shall thereupon cease to be payable in respect of the period during which such interruption may continue after the said eighty-four days and until the efficient working of the said wire shall be restored: Provided nevertheless that, if and when in the event of any such interruption of the working order of the appropriated wire as aforesaid the Postmaster-General shall appropriate to the exclusive use of the Company another wire in lieu of the appropriated wire as aforesaid, then and in every such case the provisions hereinbefore contained with respect to the said deduction from the aforesaid yearly rent or sum in the event hereinbefore mentioned shall have no effect, and the said substituted wire shall during the period of such interruption as aforesaid be treated for all the purposes of these presents as for the time being the appropriated wire, and all the provisions herein contained as to the transmission of telegrams through the

appropriated wire, and the payments to be made in respect of the same, and otherwise in relation to the same, shall apply to the said substituted wire as if the same had been originally the appropriated wire.

13. The said yearly rent or sum hereinbefore mentioned shall be deemed to accrue from day to day, and (subject to such deductions or abatements as hereinbefore provided) shall be respectively paid by equal quarterly payments on the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December in every year, and the first of such quarterly payments shall be made on the 31st day of March, 1905.

14. The Company shall during the continuance of this Indenture, at their own cost, maintain or cause to be maintained their lines of telegraph between Norderney aforesaid and Tehran in Persia and Borkum aforesaid and Tehran aforesaid as part of direct telegraph lines to India, and shall keep such lines in good and efficient working order, repairing with all reasonable speed all interruptions and defects therein, so that an efficient and uninterrupted method of communication between the United Kingdom of Great Britain and Ireland and India shall be maintained; but the Company shall not incur liability to the Postmaster-General for any interruption or defect in such maintenance.

15. This Indenture shall come into operation on the 1st day of January, 1905, and (subject as herein provided) shall continue in force for the term of twenty years thereafter: Provided that the Postmaster-General may put an end to this Agreement and the term thereby granted on the 31st day of December, 1914, or at any time thereafter, by giving to the Company twenty-four calendar months' notice of his intention so to do.

16. In case any sum of money which ought to be paid by the Company to the Postmaster-General under or by virtue of this Indenture shall be in arrear and unpaid for one calendar month after the time appointed for payment thereof, or in case of any other breach, non-observance, or non-performance by or on the part of the Company of any of the covenants, conditions, agreements, or stipulations herein contained, then and in any such case, and subject to the provisions hereinafter contained, it shall be lawful for the Postmaster-General by notice in writing to revoke and determine this Indenture, and this Indenture and every clause, matter, and thing therein contained shall as from the date of the service of such notice be revoked and determined accordingly: Provided always that, in case of any such breach, non-observance, or non-performance as aforesaid (other than the non-payment of a sum of money), the Postmaster-General shall not serve any such notice of revocation as aforesaid unless such breach, non-observance, or

non-performance shall have been continued for a period of one calendar month or been repeated after notice in writing shall have been given to the Company by the Postmaster-General requiring the Company to abstain from or not to repeat such breach, non-observance, or non-performance: Provided also that no such revocation or determination shall prejudice or affect the right of the Postmaster-General to recover the said yearly rent or sum or any other moneys then in arrear or unpaid, or any other remedy of the Postmaster-General for or in respect of any breach, non-observance, or non-performance by the Company of any of their covenants, agreements, conditions, or stipulations herein contained.

17. The Company shall not assign, underlet, or dispose of this Indenture or any part thereof, or any obligation or benefit thereof, without the consent in writing of the Postmaster-General.

18. The stipulations herein contained on the part of the Postmaster-General shall be performed by means of such aids or supplies as have been or shall be appropriated and put at his disposal by Parliament for such purpose, and neither the present nor any future Postmaster-General shall be subject to any personal liability in respect thereof.

In witness whereof the Postmaster-General hath hereunto set his hand and seal, and the Company have caused their Common Seal to be hereunto affixed the day and year first before written.

(Seal.) STANLEY.

Signed, sealed, and delivered by the before-named Edward George Villiers Stanley, C.B., His Majesty's Postmaster-General, in the presence of—

A. E. W. CODRINGTON,

Private Secretary, General Post Office.

The Common Seal of the Indo-European Telegraph Company (Limited) was hereunto affixed in the presence of—

(Seal.) CHAS. HOLLAND, }
W. R. BROOKE, } *Directors.*
JOHN I. BETHELL, *Secretary.*

Annex 2.

(Translation.)

The following Agreement has been drawn up between the Reichs-Postamt in Berlin, represented by the Under-Secretary of State Sydow, on the one side, and the Indo-European Telegraph Company in London on the other side, subject to the approval of the Secretary of State of the Reichs-Postamt:—

1. The Imperial Telegraph Administration leases to the Company, in connection with the land lines, conceded to them by the provisions

of the Supplementary Concession of the 20th June, 1903, between Emden and the German-Russian frontier at Thorn, for their exclusive use—

(1.) A wire in the German Cable, Emden-Borkum-Lowestoft.

(2.) A wire from Emden to Norderney, which shall be connected with the British cable at Norderney-Lowestoft.

The lease of a wire in the last-mentioned cable forms the subject of an Agreement between the British General Post Office and the Company dated the 15th October, 1904.*

2. The Imperial Telegraph Administration is empowered to withdraw from the Company the leased wire in the Cable Emden-Borkum-Lowestoft (clause 1 (1)) and to use this wire for its own traffic so far as it may at times of interruption of the German-English wires consider such a measure necessary. But the Imperial Telegraph Administration is only to exercise this power when and so long as the wire in the English cable from Norderney to Lowestoft, including the connecting wire Emden-Norderney, is reserved in working condition for the Company's exclusive use, or another wire in working condition between Emden and the English coast is placed at its disposal for its exclusive use. Should the withdrawal of the wire in the Emden-Borkum-Lowestoft cable last uninterruptedly for more than thirty days or for more than forty-two days in all in a calendar year, rental shall not be charged for the period over and above the thirty or forty-two days respectively. Interruptions which do not exceed the stated periods shall not entitle the Company to a deduction from the agreed rental.

The Imperial Telegraph Administration is also empowered to withdraw from the Company the wire between Emden and Norderney when this is not used in connection with a wire in the Norderney-Lowestoft cable.

3. The wires leased from the Imperial Telegraph Administration are exclusively appointed for the transmission of the telegrams mentioned in Article 2 of the Supplementary Concession. The working on the German side is to be carried on by officers of the Imperial Telegraph Administration; the Company shall provide at its own cost for the establishment and maintenance of the installation, comprising the apparatus and batteries, working material, forms, &c.

4. In the working of the leased wires the Company may not use apparatus, batteries, or objects, which in the view of the Imperial Telegraph Administration might damage the cable or prejudicially affect neighbouring lines or their working. The Company is bound, within twenty-four hours after notice in writing from the Adminis-

tration, to replace the apparatus, batteries, or parts considered defective by others not open to objection. The Company shall also make reparation for whatever damage may have already been caused.

5. The Imperial Telegraph Administration shall at its own expense maintain the leased wires in working condition and shall remove interruptions and disturbances with all possible dispatch.

The Company is not empowered itself to undertake the repair of the leased wires or to cause other parties to carry out such repair. The Administration is not to be held responsible by the Company for damages incurred in consequence of the interruption or bad working of the leased wires. The Company is to be responsible for damages to the leased wires which are caused by actions, neglect, or errors on the part of the Company or its staff.

6. In respect of the lease of the leased wires the Company shall pay a yearly rental of 3,500*l.* in quarterly instalments.

7. On an interruption taking place in consequence of a fault in one of the leased wires, the Company, if the conditions of the traffic will allow, shall be provided with another German-English wire for its exclusive use in substitution for the defective wire. In any case whether this is done or not, rental during the first forty-two days of the interruption shall be paid without reduction; should the interruption last longer than forty-two days but not more than eighty-four days, and no substituted wire be provided, the Company shall pay half rental during the period of interruption commencing from the forty-third day. In the case of an interruption lasting for more than eighty-four days, if no substituted wire be provided, payment of rental shall be withheld for the period from the eighty-fifth day to the restoration of the wire.

8. The present Agreement shall come into force on the 1st January, 1905. It shall hold good for a fixed period of ten years, and shall run for a further period of ten years unless the Imperial Telegraph Administration give two years' notice of termination, to expire on the 31st December, 1914, or on some later date.

9. If the Company are in arrears with the payment of the rental or any other sum for which they are responsible under this Agreement, for a period of one month after the due date for payment or one month after the date of a notice in writing of the amount of the claim, or if they act contrary to the stipulations of the present Agreement for a period of one month, or should they be repeatedly guilty of such contraventions in spite of cessation of such being requested in writing, the Administration is empowered to terminate the Agreement by written notice which takes effect at once without prejudice to the right to demand payment of arrears from the Company and compensation for any injury caused by non-compliance with the conditions of the Agreement.

10. The Company may neither wholly nor in part, unless with the written consent of the Administration, transfer their rights and obligations under this Agreement to a third party, neither shall they delegate or in any other way dispose thereof.

11. The International Telegraph Convention along with the regulations in force from time to time shall apply to the working of the leased wires.

12. In case of disputes between the Reichs-Postamt on the one side and the Company on the other, over the rights and obligations fixed by the present Agreement, the power of decision shall rest with the Königlichem Landgericht I or with the Königlichem Amtsgericht I in Berlin.

13. The stamp duty on this Agreement is to be borne by the Company.

In witness whereof this Agreement has been signed in duplicate by the two contracting parties.

Berlin, the 15th October, 1904.

SYDOW, *Under-Secretary of State in the Imperial Post Office.*

London, the 15th October, 1904.

The common seal of the Indo-European Telegraph Company (Limited), was hereunto affixed in the presence of—

CHAS. HOLLAND, } *Directors.*
W. R. BROOKE, }
JOHN I. BETHELL, *Secretary.*

Confirmed.

Berlin, the 2nd December, 1904.

KRAETKE, *Secretary of State of the Imperial Post Office.*

NOTES exchanged between Great Britain and Italy, respecting the Benadir Coast, Jurisdiction at Zanzibar, and Lease of Land near Kismayu.—London, January 13, 1905.

[Agreement approved by the Italian Parliament, June 27, 1905.]

No. 1.—The Marquess of Lansdowne to Signor Pansa.

YOUR EXCELLENCY,

Foreign Office, January 13, 1905.

IN pursuance of previous communications on the subject of an accord between the Zanzibar Government and the Government of His Majesty the King of Italy for the purchase by the Italian Government of all the sovereign and other rights of His Highness

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the Sultan of Zanzibar over the towns, ports, and territory of the Benadir Coast, of which the Administration is now vested in the Italian Government under the Agreement dated the 12th August, 1892,* as amended by the Additional Article dated the 1st September, 1896,† I have now the honour to propose to your Excellency, in the name of the Government of His Highness the Sultan of Zanzibar, and on behalf of His Majesty's Government, the following terms of Agreement:—

1. The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its sterling equivalent shall be lodged in the Bank of England to the credit of the Zanzibar Government within three months of the exchange of notes recording the Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the purchase money is paid into the Bank.

On the payment of the above-mentioned sum, all right specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease and determine. All subjects of His Britannic Majesty and other British-protected persons, and all subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the towns, ports, and territory in question all the privileges and advantages with respect to commerce and shipping which are or may be accorded to the subjects of the most favoured nation.‡

2. On the same day on which the arrangement indicated in (1) comes into force, all the rights of extra-territoriality now enjoyed by Italy, under Treaty, Agreement, or usage, in the dominions of His Highness the Sultan of Zanzibar, shall absolutely cease and determine; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in His Highness' dominions shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."§

3. The Italian Government undertake that if at any time Italy should desire to give up the towns, ports, and territory in question, Great Britain shall have the right of pre-emption.

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.,

Signor Pansa.

LANSDOWNE.

* Vol. LXXXIV, page 630.

† See also Nos. 5 and 6, pages 135 and 136.

‡ Vol. XCII, page 855.

§ Vol. LXXXIX, page 380.

No. 2.—Signor Pansa to the Marquess of Lansdowne.

(Translation.)

MY LORD,

Italian Embassy, London, January 13, 1905.

IN your note of to-day's date your Lordship has done me the honour of communicating to me, in conformity with our preceding correspondence, the terms of a Convention between the Government of His Majesty the King of Italy and the Government of Zanzibar for the acquisition on the part of Italy of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast, the administration of which is now vested in the Italian Government under the Convention of the 12th August, 1892, as modified by the Additional Article of the 1st September, 1896. The said terms proposed by your Lordship in the name of the Government of His Highness the Sultan of Zanzibar, and on behalf of His Majesty's Government, are as follows:—

1. The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its equivalent, shall be lodged in the Bank of England to the credit of the Government of Zanzibar within three months of the exchange of notes recording this Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the aforesaid sum shall be lodged at the Bank.

On the payment of the said sum all the rights specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease to exist.

All the subjects of His Britannic Majesty and other British-protected persons, as well as all the subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the cities, ports, and territories in question all the privileges and advantages with respect to commerce and navigation which are or may be accorded to the subjects of the most favoured nation.*

2. On the same day on which the arrangements mentioned in the preceding Article come into force, all the rights of extra-territoriality now enjoyed by Italy under Treaties, Conventions, or usage in the dominions of His Highness the Sultan of Zanzibar shall absolutely cease; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in the said dominions of His Highness shall be transferred to His Britannic Majesty's Court at Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."

3. The Italian Government undertake that if at any time

* See also reservation in Notes Nos. 5 and 6, pages 135 and 136.

Italy should desire to give up the towns, ports, and territories in question Great Britain shall have the right of pre-emption.

In accordance with instructions received from his Excellency the Minister for Foreign Affairs, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.,

The Marquess of Lansdowne.

PANSA.

No. 3.—The Marquess of Lansdowne to Signor Pansa.

YOUR EXCELLENCY,

Foreign Office, January 13, 1905.

WITH reference to my other note of this day's date, I have the honour to submit to your Excellency the following terms of an Agreement dealing with the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the River Juba :—

"1. His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse, or other necessary building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit, lying south-east of the existing British pier at Kismayu, for the erection of a pier for the use of the Italian Government together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Gumbo.

"2. The exact site of the area of land and of the pier, and the course of the right of way, shall be agreed locally by two officers, of whom each Government shall appoint one. The said area of land shall be as nearly as possible contiguous to the pier. When the boundaries of the area of land, and the site of the pier, and the course of the right of way, have been agreed and marked out by the two officers, a plan thereof, signed by both of them, shall be sent to each Government.

"3. The Italian Government shall pay for the land leased an annual rent of 1*l*.

"4. The lease shall be in force for thirty-three years from this date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings

exceeds 5,000*l.*, then the lease shall be in force for sixty-six years; or, if the amount so shown to be spent exceeds 10,000*l.*, then the lease shall be in force for ninety-nine years.

"5. On the determination of the lease the buildings erected on the land shall become the property of His Britannic Majesty's Government.

"6. The Italian Government shall be at liberty to erect on the area of land referred to in Article 1 such accommodation as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

"This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; and in the case of ordinary reliefs, it shall be sufficient if due notice is given beforehand to the local British Commandant.

"7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate if the goods are eventually removed to the Italian sphere.

"8. Nothing herein shall be construed to exempt either the land leased or persons thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government resident in the leased territory shall be free to exercise the functions of their respective offices."

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.,

Signor Pansa.

LANSDOWNE.

No. 4.—Signor Pansa to the Marquess of Lansdowne.

(Translation.)

MY LORD,

Italian Embassy, London, January 13, 1905.

WITH reference to your preceding note of to-day, I have received the note of the same date which your Lordship has done me the honour of addressing to me, communicating in the following terms the conditions of an Agreement for the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the Juba:—

"1. His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu, in

the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse or other necessary building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit to the south-east of the existing British pier at Kismayu for the erection of a pier for the use of the Italian Government, together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Giumbo.

"2. The exact site of the area of land and of the pier, as well as the course of the right of way in question, shall be fixed on the spot by two officers, each of whom shall be appointed by his respective Government. The said area of land shall be, as far as possible, contiguous to the pier. When the boundaries of the area of land, and the site of the pier, and the course of the right of way, shall have been agreed upon and marked out by the two officers, they shall make a plan thereof, to be signed by both, and forward it to their respective Governments.

"3. The Italian Government shall pay for the land leased an annual rent of 1*l*.

"4. The lease shall be in force for thirty-three years from the present date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000*l*., then the lease shall be in force for sixty-six years; or if the amount so shown to be spent exceeds 10,000*l*., then the lease shall be in force for ninety-nine years.

"5. On the termination of the lease, the buildings erected on the land shall become the property of His Britannic Majesty's Government.

"6. The Italian Government shall be at liberty to erect on the area of land mentioned in Article 1 such accommodation (buildings) as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

"This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; in the case of ordinary garrison reliefs, it will be sufficient if due notice is given beforehand to the local British Commandant.

"7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded, in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate, if the goods are eventually removed to the Italian sphere.

"8. Nothing in these Articles shall be construed to exempt either

the land leased or the persons residing thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government residing in the leased territory shall be free to exercise the functions of their respective offices."

In accordance with instructions received from his Excellency the Minister for Foreign Affairs in Rome, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.,

The Marquess of Lansdowne.

PANSA.

No. 5.—Signor Pansa to the Marquess of Lansdowne.

(Translation.)

MY LORD,

Italian Embassy, London, January 13, 1905.

IN my other communication of to-day I had the honour of informing your Lordship that the Italian Government consent to the terms of the Agreement contained in your Lordship's note of the same date respecting the purchase of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast.

With reference, however, to the last paragraph of Article 1 of that Agreement, relative to the privileges and advantages guaranteed therein to the subjects of His Britannic Majesty and other British-protected persons, as well as to all the subjects of His Highness the Sultan of Zanzibar, I am instructed by my Government to point out to your Lordship that, if the proviso in question is to be held to apply equally to coloured persons, the Italian Government might eventually find themselves bound to extend more favourable treatment to these latter than to their own subjects of the same category.

The Italian Government desire accordingly to reserve to themselves the right to act within the territories in question in such a way that the eventual special regulations applicable to their own coloured subjects may be equally applicable to coloured persons who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I should be grateful if your Lordship would do me the honour to inform me whether His Britannic Majesty's Government agree to this reservation.

I have, &c.,

The Marquess of Lansdowne.

PANSA.

No. 6.—The Marquess of Lansdowne to Signor Pansa.

YOUR EXCELLENCY,

Foreign Office, January 13, 1905.

I HAVE the honour to acknowledge your note of this day's date, in which you inform me that the Italian Government desire to reserve to themselves the right to make such regulations as may be applicable, within Benadir territory, to their own coloured subjects equally applicable to coloured persons who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zauzibar.

I beg leave to inform your Excellency that His Majesty's Government agree to this reservation, but it is, of course, understood that they retain the right to make representations to the Italian Government in regard to any such regulations as may appear to them to be of an unusual character or likely to prove injurious in their practical working.

I have, &c.,

Signor Pansa.

LANSDOWNE.

*AGREEMENT between Great Britain and Japan, relative to Eastern Asia (China and Corea) and India.—Signed at London, August 12, 1905.**

Preamble.

THE Governments of Great Britain and Japan, being desirous of replacing the Agreement concluded between them on the 30th January, 1902,† by fresh stipulations, have agreed upon the following Articles, which have for their object—

(a.) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;

(b.) The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;

(c.) The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India, and the defence of their special interests in the said regions:—

ART. I. It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this Agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and

* See also despatch of September 6, 1905, forwarding the Agreement, page 138.

† Vol. XCV, page 83.

will consider in common the measures which should be taken to safeguard those menaced rights or interests.

II. If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other Power or Powers either Contracting Party should be involved in war in defence of its territorial rights or special interests mentioned in the preamble of this Agreement, the other Contracting Party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

III. Japan possessing paramount political, military, and economic interests in Corea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Corea as she may deem proper and necessary to safeguard and advance those interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

IV. Great Britain having a special interest in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the proximity of that frontier as she may find necessary for safeguarding her Indian possessions.

V. The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the objects described in the preamble of this Agreement.

VI. As regards the present war between Japan and Russia, Great Britain will continue to maintain strict neutrality unless some other Power or Powers should join in hostilities against Japan, in which case Great Britain will come to the assistance of Japan, and will conduct the war in common, and make peace in mutual agreement with Japan.

VII. The conditions under which armed assistance shall be afforded by either Power to the other in the circumstances mentioned in the present Agreement, and the means by which such assistance is to be made available, will be arranged by the Naval and Military authorities of the Contracting Parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

VIII. The present Agreement shall, subject to the provisions of Article VI, come into effect immediately after the date of its signature, and remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the

date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.

In faith whereof the Undersigned, duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their seals.

Done in duplicate at London, the 12th day of August, 1905.

(L.S.) LANSDOWNE, *His Britannic Majesty's
Principal Secretary of State for Foreign
Affairs.*

(L.S.) TADASU HAYASHI, *Envoy Extra-
ordinary and Minister Plenipotentiary
of His Majesty the Emperor of Japan at
the Court of St. James.*

*DESPATCH to His Majesty's Ambassador at St. Petersburg,
forwarding a copy of the Agreement between Great Britain
and Japan, signed at London, August 12, 1905.*—London,
September 6, 1905.*

The Marquess of Lansdowne to Sir C. Hardinge.†

SIR,

Foreign Office, September 6, 1905.

I INCLOSE, for your Excellency's information, a copy of a new Agreement concluded between His Majesty's Government and that of Japan in substitution for that of the 30th January, 1902.‡ You will take an early opportunity of communicating the new Agreement to the Russian Government.

It was signed on the 12th August, and you will explain that it would have been immediately made public but for the fact that negotiations had at that time already commenced between Russia and Japan, and that the publication of such a document whilst those negotiations were still in progress would obviously have been improper and inopportune.

The Russian Government will, I trust, recognize that the new Agreement is an international instrument to which no exception can be taken by any of the Powers interested in the affairs of the

* Page 136.

† A similar despatch was addressed to His Majesty's Ambassador at Paris.

‡ Vol. XOV, page 83.

Far East. You should call special attention to the objects mentioned in the preamble as those by which the policy of the Contracting Parties is inspired. His Majesty's Government believe that they may count upon the good-will and support of all the Powers in endeavouring to maintain peace in Eastern Asia, and in seeking to uphold the integrity and independence of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in that country.

On the other hand, the special interests of the Contracting Parties are of a kind upon which they are fully entitled to insist, and the announcement that those interests must be safeguarded is one which can create no surprise, and need give rise to no misgivings.

I call your special attention to the wording of Article II, which lays down distinctly that it is only in the case of an unprovoked attack made on one of the Contracting Parties by another Power or Powers, and when that Party is defending its territorial rights and special interests from aggressive action, that the other Party is bound to come to its assistance.

Article III, dealing with the question of Corea, is deserving of especial attention. It recognizes in the clearest terms the paramount position which Japan at this moment occupies and must henceforth occupy in Corea, and her right to take any measures which she may find necessary for the protection of her political, military, and economic interests in that country. It is, however, expressly provided that such measures must not be contrary to the principle of equal opportunities for the commerce and industry of other nations. The new Treaty no doubt differs at this point conspicuously from that of 1902. It has, however, become evident that Corea, owing to its close proximity to the Japanese Empire and its inability to stand alone, must fall under the control and tutelage of Japan.

His Majesty's Government observe with satisfaction that this point was readily conceded by Russia in the Treaty of Peace recently concluded with Japan, and they have every reason to believe that similar views are held by other Powers with regard to the relations which should subsist between Japan and Corea.

His Majesty's Government venture to anticipate that the alliance thus concluded, designed as it is with objects which are purely peaceful and for the protection of rights and interests the validity of which cannot be contested, will be regarded with approval by the Government to which you are accredited. They are justified in believing that its conclusion may not have been without effect in facilitating the settlement by which the war has been so happily brought to an end, and they earnestly trust that it may, for many

years to come, be instrumental in securing the peace of the world in those regions which come within its scope.

I am, &c.,

Sir C. Hardinge.

LANSDOWNE.

AWARD of the Arbitration Tribunal appointed to pronounce on certain questions as to the Interpretation of Treaties with Japan with regard to Leases held in Perpetuity.—The Hague, May 22, 1905.

COUR PERMANENTE D'ARBITRAGE À LA HAYE.

Sentence du Tribunal d'Arbitrage, constitué en vertu des Protocoles signés à Tôkiô le 28 Août, 1902, entre le Japon d'une part, et l'Allemagne, la France, et la Grande-Bretagne d'autre part.*

ATTENDU qu'aux termes des Protocoles signés à Tôkiô le 28 Août, 1902, un désaccord s'est produit, entre le Gouvernement du Japon d'une part, et les Gouvernements d'Allemagne, de France, et de Grande-Bretagne d'autre part, touchant le sens réel et la portée des dispositions suivantes des Traités respectifs et autres engagements existant entre eux, c'est-à-dire :

Paragraphe 4 de l'Article XVIII du Traité de Commerce et de Navigation du 4 Avril, 1896, entre le Japon et l'Allemagne,†
 "Sobald diese Einverleibung erfolgt" [c'est-à-dire : quand les divers quartiers étrangers qui existent au Japon auront été incorporés dans les communes respectives du Japon] "sollen die bestehenden, zeitlich unbegrenzten Ueberlassungsverträge, unter welchen jetzt in den gedachten Niederlassungen Grundstücke besessen werden, bestätigt und hinsichtlich dieser Grundstücke sollen keine Bedingungen irgend einer anderen Art auferlegt werden, als sie in den bestehenden Ueberlassungsverträgen enthalten sind ;"—et § 3 de la communication complémentaire de même date du Secrétaire d'État des Affaires Étrangères de l'Empire d'Allemagne au Ministre du Japon à Berlin : "3. Dass, da das Eigenthum an den im Artikel XVIII des Vertrages erwähnten Niederlassungsgrundstücken dem Japanischen Staate verbleibt, die Besitzer oder deren Rechtsnachfolger für ihre Grundstücke ausser dem kontraktmässigen Grundzins Abgaben oder Steuern irgend welcher Art nicht zu entrichten haben werden," et l'alinéa suivant de la réponse du Ministre du Japon de même date à la précédente communication : "dass die darin unter Nummer 1 bis 4 zum Ausdruck gebrachten

* See Vol. XCV, page 86.

† Vol. LXXXVIII, page 582.

Voraussetzungen, welche den Erwerb dinglicher Rechte an Grundstücken, die Errichtung von Waarenhäusern, die Steuerfreiheit der Grundstücke in den Fremdenniederlassungen und die Erhaltung wohlerworbener Rechte nach Ablauf des Vertrages zum Gegenstande haben, in allen Punkten zutreffend sind;”*

Paragraphe 4 de l'Article XXI du Traité révisé du 4 Août, 1896,† entre le Japon et la France: “Lorsque les changements ci-dessus indiqués auront été effectués” [c'est-à-dire: lorsque les divers quartiers étrangers qui existent au Japon auront été incorporés aux communes respectives du Japon et feront dès lors partie du système municipal du Japon; et lorsque les autorités Japonaises compétentes auront assumé toutes les obligations et tous les devoirs municipaux, et que les fonds et biens municipaux qui pourraient appartenir à ces quartiers auront été transférés aux dites autorités], “les baux à perpétuité en vertu desquels les étrangers possèdent actuellement des propriétés dans les quartiers seront confirmés, et les propriétés de cette nature ne donneront lieu à aucuns impôts, taxes, charges, contributions ou conditions quelconques autres que ceux expressément stipulés dans les baux en question;”

Paragraphe 4 de l'Article XVIII du Traité révisé du 16 Juillet, 1894,‡ entre le Japon et la Grande-Bretagne: “When such incorporation takes place” [c'est-à-dire: quand les divers quartiers étrangers qui existent au Japon auront été incorporés aux communes respectives du Japon], “existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and

* *Translation.*—Paragraph 4 of Article XVIII of the Treaty of Commerce and Navigation of the 4th April, 1896, between Japan and Germany: “When such incorporation takes place” [that is to say, when the several foreign Settlements in Japan shall have been incorporated with the respective Japanese communes], “existing leases in perpetuity under which real property is now held in the said Settlements shall be confirmed, and no conditions of any kind other than those contained in the existing leases shall be imposed in respect of such property”; and section 3 of the complementary communication of the same date from the Imperial German Secretary of State for Foreign Affairs to the Japanese Minister at Berlin: “3. That, as the ownership of the Settlement properties mentioned in Article XVIII of the Treaty remains vested in the Japanese State, the holders or their legal successors will have no dues or taxes of any kind to pay in respect of their property, besides the ground rent fixed by contract”; and the clause in the reply of the Japanese Minister of the same date to the foregoing communication: “that the assumptions expressed therein under Nos. 1 to 4, respecting the acquisition of real rights to property, the erection of warehouses, the exemption of real property in the foreign Settlements from taxation, and the maintenance of properly acquired rights after the expiration of the Treaty are correct in all points.”

† Vol. LXXXVIII, page 530.

‡ Vol. LXXXVI, page 39.

no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property ; ”

Attendu que les Puissances en litige sont tombées d'accord pour soumettre leur différend à la décision d'un Tribunal d'Arbitrage ;

Qu'en vertu des Protocoles susmentionnés, les Gouvernements d'Allemagne, de France, et de Grande-Bretagne ont désigné pour Arbitre M. Louis Renault, Ministre Plénipotentiaire, Membre de l'Institut de France, Professeur à la Faculté de Droit de Paris, Jurisconsulte du Département des Affaires Étrangères, et le Gouvernement du Japon a désigné pour Arbitre son Excellence Mr. Itchiro Motono, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur du Japon à Paris, Docteur en Droit ;

Que les deux Arbitres sus-nommés ont choisi pour Surarbitre M. Gregers Gram, ancien Ministre d'État de Norvège, Gouverneur de Province ;

Attendu que le Tribunal ainsi composé a pour mission de statuer, en dernier ressort, sur la question suivante :—

“ Oui ou non, les dispositions des Traités et autres engagements ci-dessus mentionnés exemptent-elles seulement les terrains possédés en vertu des baux perpétuels concédés par le Gouvernement Japonais ou en son nom,—ou bien exemptent-elles les terrains et les bâtiments de toute nature construits ou qui pourraient être construits sur ces terrains,—de tous impôts, taxes, charges, contributions ou conditions quelconques autre que ceux expressément stipulés dans les baux en question ? ”

Attendu que le Gouvernement Japonais soutient que les terrains seuls sont, dans la mesure qui vient d'être indiquée, exemptés du paiement d'impôts et autres charges ;

Que les Gouvernements d'Allemagne, de France, et de Grande-Bretagne prétendent, au contraire, que les bâtiments construits sur ces terrains jouissent de la même exemption ;

Attendu que, pour se rendre compte de la nature et de l'étendue des engagements contractés de part et d'autre par les baux à perpétuité, il faut recourir à divers arrangements et Conventions intervenus, sous le régime des anciens Traités, entre les autorités Japonaises et les Représentants de plusieurs Puissances ;

Attendu que de ces actes et des stipulations insérées dans les baux il résulte :

Que le Gouvernement Japonais avait consenti à prêter son concours à la création de quartiers étrangers dans certaines villes et ports du Japon, ouverts aux ressortissants d'autres nations ;

Que, sur les terrains désignés à l'usage des étrangers dans les différentes localités, le Gouvernement Japonais a exécuté, à ses frais, des travaux en vue de faciliter l'occupation urbaine ;

Que les étrangers n'étant pas, d'après les principes du droit Japonais, admis à acquérir la propriété de terrains situés dans le pays, le Gouvernement leur a donné les terrains en location à perpétuité ;

Que les baux déterminent l'étendue des lots de terre loués et stipulent une rente annuelle fixe, calculée à raison de l'espace loué ;

Qu'il fut convenu qu'en principe les quartiers étrangers resteraient en dehors du système municipal du Japon, mais qu'au reste ils n'étaient pas soumis à une organisation uniforme ;

Qu'il était arrêté, par voie de règlements, comment il serait pourvu aux diverses fonctions de l'administration et qu'il était prescrit que les détenteurs des terrains seraient tenus de subvenir partiellement aux frais de la municipalité à l'aide de redevances dont le montant et le mode de perception étaient déterminés ;

Attendu qu'on s'expliquerait bien le soin apporté dans la rédaction des dits actes en vue de préciser les obligations de toute nature incombant aux étrangers vis-à-vis du Gouvernement Japonais, s'il était entendu que la rente annuelle représentât, non seulement le prix de la location, mais aussi la contrepartie des impôts dont les preneurs eussent été redevables à raison de la situation créée à leur profit par les baux, et que, par conséquent, ils n'auraient, en cette qualité, à supporter que les impôts et charges qui étaient expressément mentionnés dans les dits baux ;

Attendu qu'au reste il n'est pas contesté que ce ne soit là le véritable sens de ces actes, en tant qu'il s'agit des terrains, mais que le Gouvernement Japonais allègue que les baux n'avaient pour objet que les terrains nus et qu'il n'admet pas que les constructions élevées sur les terrains fussent comprises dans les stipulations sur lesquelles l'exemption des impôts serait fondée ;

Qu'il a allégué que les terrains seuls appartenaient au Gouvernement, les constructions étant, au contraire, la propriété des preneurs, et qu'en conséquence l'immunité dont il est question ne pourrait s'étendre qu'aux immeubles qui n'étaient pas sortis du patrimoine de l'État ;

Attendu que, toutefois, la question qu'il s'agit de décider est celle de savoir si, au point de vue fiscal, les constructions élevées sur les terrains loués étaient, de commun accord, considérées comme accessoires de ces terrains, ou non, et que la solution de cette question ne dépend pas de distinctions tirées d'une prétendue différence quant à la propriété des immeubles ;

Que le Tribunal ne saurait donc s'arrêter à la discussion engagée à ce sujet et fondée sur les principes du droit civil ;

Attendu que les terrains étaient loués pour y construire des maisons, ce qui est indiqué, à la fois, par la situation des immeubles

et par la nature des aménagements effectués par le Gouvernement Japonais ;

Que l'obligation d'ériger des bâtiments était, dans certaines localités, imposée sous peine de déchéance, que les baux contenaient souvent une clause, aux termes de laquelle les bâtiments qui se trouveraient sur les terrains deviendraient la propriété du Gouvernement Japonais, au cas où le preneur aurait manqué à ses engagements ;

Attendu qu'il faut admettre que les circonstances qui viennent d'être relatées offrent des arguments à l'encontre de la prétention que le sol et les constructions constituent, dans les relations entre les parties et au point de vue fiscal, des objets entièrement distincts ;

Attendu qu'en intervenant aux dits actes, le Gouvernement du Japon a agi, non seulement en propriétaire des terrains donnés en location, mais aussi comme investi du pouvoir souverain du pays ;

Attendu que la volonté des parties faisait, par conséquent, la loi en la matière, et que, pour établir comment les actes ont été réellement interprétés, il faut s'en rapporter au traitement auquel les détenteurs des terrains ont été, au point de vue des impôts, soumis, en fait, dans les différentes localités ;

Attendu, à cet égard, qu'il est constant que, suivant une pratique qui n'a pas varié et qui a existé durant une longue série d'années, non seulement les terrains en question, mais aussi les bâtiments élevés sur ces terrains, ont été exemptés de tous impôts, taxes, charges, contributions, ou conditions autres que ceux expressément stipulés dans les baux à perpétuité ;

Attendu que le Gouvernement du Japon soutient, il est vrai, que cet état de choses, de même que l'immunité fiscale dont jouissaient en général les étrangers dans le pays, n'était dû qu'à la circonstance que les Tribunaux Consulaires refusaient de donner la sanction nécessaire aux lois fiscales du pays ;

Attendu que, toutefois, cette prétention est dépourvue de preuves et qu'il n'est pas même allégué que le Gouvernement Japonais ait jamais fait, vis-à-vis des Gouvernements d'Allemagne, de France, et de Grande-Bretagne, des réserves à l'effet de maintenir les droits qu'il dit avoir été lésés ;

Que, bien qu'il ait été allégué que l'immunité dont les étrangers jouissaient, en fait, au point de vue des impôts, sous le régime des anciens Traités, était générale et qu'elle s'étendait aux étrangers résidant en dehors des Concessions en question, il résulte pourtant des renseignements fournis au sujet de détenteurs d'immeubles—terrains et maisons—à Hiogo, que la dite règle n'a pas été d'une application universelle ;

Que, dans tous les cas, la situation de fait n'est pas douteuse, de quelque façon qu'on l'explique ;

Attendu, au point de vue de l'interprétation des dispositions des nouveaux Traités au sujet desquelles il y a contestation entre les Parties—

Que la rédaction de l'Article XVIII du Traité entre la Grande-Bretagne et le Japon—Traité antérieur aux deux autres—avait été précédée de propositions tendant à mettre les étrangers, détenteurs de terrains, sur le même pied que les sujets Japonais, tant au point de vue de la propriété des immeubles qui leur avaient été concédés en location que pour ce qui concerne le paiement de taxes et d'impôts, mais qu'on est ensuite tombé d'accord sur le maintien du régime qui jusqu'alors avait été pratiqué ;

Que le Gouvernement Japonais prétend, il est vrai, que la question de maintenir le *statu quo* ne se rapportait qu'aux terrains, mais que cette prétention ne se trouve pas justifiée par les expressions employées au cours des négociations ;

Qu'au contraire le Représentant du Gouvernement Japonais, qui a pris l'initiative pour arriver à un accord dans ce sens, s'est borné à proposer le maintien du *statu quo* dans les Concessions étrangères ("maintenance of the *status quo* in the foreign Settlements") ;

Qu'il n'est pas à présumer que le Délégué de la Grande-Bretagne, en présentant un projet élaboré sur la base de la dite proposition, ait entendu faire une restriction concernant les constructions, que cela ne résulte, ni des mots insérés dans le procès-verbal, ni du contenu de l'Article par lui proposé ;

Que, pour maintenir intégralement le *statu quo*, il ne suffirait pas d'admettre que l'immunité fiscale, qui jusqu'à cette époque s'étendait tant sur les terrains que sur les constructions, dans les quartiers étrangers, serait maintenue pour le sol seulement et qu'elle cesserait d'exister pour ce qui concerne les maisons ;

Qu'il doit surtout en être ainsi lorsqu'on considère que, pour se conformer à ce qui était convenu, les Parties ne se sont pas bornées à formuler une disposition au sujet de la confirmation des baux, mais qu'elles ont ajouté qu'aucunes conditions, sauf celles contenues dans les baux en vigueur, ne seront imposées relativement à une telle propriété ("no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property") ;

Que cette dernière clause est rédigée d'une façon encore plus explicite dans le Traité avec la France ;

Attendu qu'au surplus, dans les clauses dont il s'agit, les Puissances n'ont pas parlé de terrains, comme elles auraient dû néces-
[1904-1905. xoviii.] L

sairement le faire si l'immunité, contrairement à ce qui avait été pratiqué jusque-là, avait dû être restreinte aux terrains ;

Qu'elles ont, au contraire, employé des expressions assez larges pour comprendre dans son ensemble la situation faite par les baux aux preneurs ;

Attendu que le Tribunal ne saurait, non plus, admettre que les notes échangées entre les Gouvernements d'Allemagne et du Japon, au moment de la conclusion du nouveau Traité, contiennent des explications de nature à placer l'Allemagne dans des conditions moins avantageuses que les deux autres Puissances ;

Que le Gouvernement du Japon a surtout voulu tirer argument de ce que le Gouvernement Allemand a fondé l'immunité fiscale sur ce qu'il est interdit aux étrangers d'acquérir la propriété de terrains situés au Japon, mais qu'à cet égard il faut considérer qu'en fait les constructions avaient toujours eu le caractère de dépendances des terrains au point de vue des impôts, et qu'il n'est pas à présumer que le Gouvernement Allemand ait entendu renoncer aux avantages consentis en faveur de la Grande-Bretagne par le nouveau Traité, ce qui serait d'ailleurs en contradiction avec la clause assurant à l'Allemagne le traitement de la nation la plus favorisée ;

Par ces motifs :

Le Tribunal d'Arbitrage, à la majorité des voix, décide et déclare :—

Les dispositions des Traités et autres engagements mentionnés dans les Protocoles d'Arbitrage n'exemptent pas seulement les terrains possédés en vertu des baux perpétuels concédés par le Gouvernement Japonais ou en son nom, mais elles exemptent les terrains et les bâtiments de toute nature construits ou qui pourraient être construits sur ces terrains, de tous impôts, taxes, charges, contributions, ou conditions quelconques autres que ceux expressément stipulés dans les baux en question.

Fait à La Haye, dans l'Hôtel de la Cour Permanente d'Arbitrage, le 22 Mai, 1905.

G. GRAM.

L. RENAULT.

Au moment de procéder à la signature de la présente Sentence Arbitrale, usant de la faculté que me confère l'Article LII, alinéa 2, de la Convention pour le règlement pacifique des conflits internationaux conclue à La Haye le 29 Juillet, 1899,* je tiens à constater mon dissentiment absolu avec la majorité du Tribunal, en ce qui concerne les motifs comme le dispositif de la Sentence.

I. MOTONO.

ADDITIONAL ARTICLES to the Money Order Convention of the $\frac{7}{14}$ th October, 1871, between Great Britain and the Netherlands for an Exchange of Post Office Money Orders. —Signed at The Hague, March 27, and at London, April 17, 1905.†*

THE Postmaster-General of the United Kingdom of Great Britain and Ireland, and the Director-General of Posts and Telegraphs of the Kingdom of the Netherlands, have agreed upon the following Additional Articles to the Convention of the $\frac{7}{14}$ th October, 1871, for the exchange of money orders between the two countries :

ART. I. The words "one half of 1 per cent." shall be substituted for the words "1 per cent." in Article III of the above-named Convention.

II. The foregoing Article shall take effect as from the 1st day of January, 1905.

Done in duplicate, and signed at The Hague on the 27th day of March, 1905 ; and in London on the 17th day of April, 1905.

STANLEY.

G. J. C. A. POP.

ADDITIONAL ARTICLES to the Money Order Convention between Great Britain and Norway, dated the $\frac{1}{17}$ th October, 1889.†—Signed at London, June 9, and at Christiania, June 28, 1905.§

ART. I. Complaints of alleged wrong payment of money orders shall not be considered unless they are made within one year from the date of payment of the orders in question.

Complaints of alleged non-payment of money orders shall not be considered unless they are made within one year from the date on which such orders became void.

II. The provisions of the above Additional Article shall come into operation on the 1st July, 1905, and shall have the same duration as the above-named Convention, dated the $\frac{1}{17}$ th October, 1889.

* Vol. LXII, page 893.

† Vol. LXXXI, page 51.

‡ Signed also in the Dutch language.

§ Signed also in Norwegian.

Done in duplicate, and signed in London on the 9th day of June, 1905; and at Christiania on the 28th day of June, 1905.

STANLEY.

THB. HEYERDAHL.

KNUD DAHL.

*CONVENTION between Great Britain and Thibet.—Signed at Lhasa, September 7, 1904.**

WHEREAS doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890,† and the Trade Regulations of 1893,‡ and as to the liabilities of the Thibetan Government under these Agreements; and whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Thibet; and whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a Convention with these objects, and the following Articles have been agreed upon by Colonel F. E. Younghusband, C.I.E., in virtue of full powers vested in him by His Britannic Majesty's Government, and on behalf of that said Government, and Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Se-ra, Dre-pung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Thibet:—

ART. I. The Government of Thibet engages to respect the Anglo-Chinese Convention of 1890, and to recognize the frontier between Sikkim and Thibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

II. The Thibetan Government undertakes to open forthwith trade marts to which all British and Thibetan subjects shall have free right of access at Gyangtse and Gartok, as well as at Yatung.

The Regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893, shall, subject to such amendments as may hereafter be agreed upon by common consent between the British and Thibetan Governments, apply to the marts above mentioned.

* Signed also in the Chinese language. Confirmed, subject to the modification contained in the Declaration of November 11, 1904, annexed, by the Convention with China of April 27, 1906 (to be given in Vol. XCIX).

† Vol. LXXXII, page 9.

‡ Vol. LXXXV, page 1235.

In addition to establishing trade marts at the places mentioned, the Thibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it.

III. The question of the amendment of the Regulations of 1893 is reserved for separate consideration, and the Thibetan Government undertakes to appoint fully authorized delegates to negotiate with representatives of the British Government as to the details of the amendments required.

IV. The Thibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff to be mutually agreed upon.

V. The Thibetan Government undertakes to keep the roads to Gyangtse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyangtse, and Gartok, and at each of the other trade marts that may hereafter be established, a Thibetan Agent who shall receive from the British Agent appointed to watch over British trade at the marts in question any letter which the latter may desire to send to the Thibetan or to the Chinese authorities. The Thibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies.

VI. As an indemnity to the British Government for the expense incurred in the dispatch of armed troops to Lhasa, to exact reparation for breaches of Treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Thibetan Government engages to pay a sum of 500,000*l.*—equivalent to 75 lakhs of rupees—to the British Government.

The indemnity shall be payable at such place as the British Government may from time to time, after due notice, indicate, whether in Thibet or in the British districts of Darjeeling or Jalpai-guri, in seventy-five annual instalments of one lakh of rupees each on the 1st January in each year, beginning from the 1st January, 1906.

VII. As security for the payment of the above-mentioned indemnity, and for the fulfilment of the provisions relative to trade marts specified in Articles II, III, IV, and V, the British Government shall continue to occupy the Chumbi Valley until the indemnity has been paid, and until the trade marts have been effectively opened for three years, whichever date may be the later.

VIII. The Thibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyangtse and Lhasa.

IX. The Government of Thibet engages that, without the previous consent of the British Government—

(a.) No portion of Thibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation, to any foreign Power ;

(b.) No such Power shall be permitted to intervene in Thibetan affairs ;

(c.) No Representatives or Agents of any foreign Power shall be admitted to Thibet ;

(d.) No concessions for railways, roads, telegraphs, mining, or other rights, shall be granted to any foreign Power, or the subject of any foreign Power. In the event of consent to such Concessions being granted, similar or equivalent Concessions shall be granted to the British Government ;

(e.) No Thibetan revenues, whether in kind or in cash, shall be pledged or assigned to any foreign Power, or to the subject of any foreign Power.

X. In witness whereof the Negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quintuplicate at Lhasa, this 7th day of September, in the year of our Lord, 1904, corresponding with the Thibetan date, the 27th of the seventh month of the Wood Dragon year.

(Thibet Frontier Commission.)	F. E. YOUNGHUSBAND,	(Seal of the Dalai Lama affixed by the Ga-den Ti-Rimpoche.)
(Seal of British Commissioner.)	<i>Colonel, British Commissioner.</i>	
(Seal of Council.)	(Seal of Dre-pung Monastery.)	(Seal of Sera Monastery.)
	(Seal of Ga-den Monastery.)	(Seal of National Assembly.)

In proceeding to the signature of the Convention, dated this day, the Representatives of Great Britain and Thibet declare that the English text shall be binding.

(Thibet Frontier Commission.)	F. E. YOUNGHUSBAND,	(Seal of the Dalai Lama affixed by the Ga-den Ti-Rimpoche.)
(Seal of British Commissioner.)	<i>Colonel, British Commissioner.</i>	
(Seal of Council.)	(Seal of Dre-pung Monastery.)	(Seal of Sera Monastery.)
	(Seal of Ga-den Monastery.)	(Seal of National Assembly.)

AMPTHILL,

Viceroy and Governor-General of India.

This Convention was ratified by the Viceroy and Governor-General of India in Council at Simla on the 11th day of November, 1904.

S. M. FRASER, *Secretary to the Government of India, Foreign Department.*

DECLARATION signed by his Excellency the Viceroy and Governor-General of India, and appended to the ratified Convention between Great Britain and Thibet of the 7th September, 1904.—Simla, November 11, 1904.

HIS Excellency the Viceroy and Governor-General of India, having ratified the Convention which was concluded at Lhasa on the 7th September, 1904,* by Colonel Younghusband, C.I.E., British Commissioner for Thibet Frontier Matters, on behalf of His Britannic Majesty's Government; and by Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Sera, Dre-pung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly, on behalf of the Government of Thibet, is pleased to direct as an act of grace that the sum of money which the Thibetan Government have bound themselves under the terms of Article VI of the said Convention to pay to His Majesty's Government as an indemnity for the expenses incurred by the latter in connection with the dispatch of armed forces to Lhasa, be reduced from 75,00,000 rupees to 25,00,000 rupees; and to declare that the British occupation of the Chumbi Valley shall cease after the due payment of three annual instalments of the said indemnity as fixed by the said Article: Provided, however, that the trade marts as stipulated in Article II of the Convention, shall have been effectively opened for three years as provided in Article VI† [*sic*] of the Convention; and that, in the meantime, the Thibetans shall have faithfully complied with the terms of the said Convention in all other respects.

AMPTHILL,

Viceroy and Governor-General of India.

This Declaration was signed by the Viceroy and Governor-General of India in Council at Simla on the 11th day of November, 1904.

S. M. FRASER, *Secretary to the Government of India, Foreign Department.*

* Page 148.

† Should be Article VII.

AWARD of the Alaska Boundary Tribunal (Question between the Governments of Great Britain and the United States).—October 20, 1903.

WHEREAS by a Convention signed at Washington on the 24th day of January, 1903,* by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them, each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three Members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States;

And whereas it was further agreed by the said Convention that the said Tribunal should consider, in the settlement of the said questions submitted to its decision, the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias, under date of the ^{28th}/_{16th} February, A.D. 1825,† and between the United States of America and the Emperor of All the Russias, concluded under date of the ^{18th}/_{30th} March, A.D. 1867,‡ and particularly the Articles III, IV, and V of the first-mentioned Treaty, and should also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of the said Treaties, so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties;

And whereas it was further agreed by the said Convention, referring to Articles III, IV, and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?

* Vol. XCVI, page 84.

† Vol. XLI, page 38.

‡ Vol. LVII, page 452.

3. What course should the line take from the point of commencement to the entrance to Portland Channel?

4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?

5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland, not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast, should the width of the *lisière*, which was to belong to Russia, be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M.G., Lord Chief Justice of England, Sir Louis Amable Jetté, K.C.M.G., Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth, one of His Majesty's Counsel; and the President of the United States of America duly appointed the Honourable Elihu Root, Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts, and

the Honourable George Turner, of the State of Washington, to be members of the said Tribunal :

Now, therefore, we, the Undersigned, having each of us first subscribed an oath, as provided by the said Convention, and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows :—

In answer to the 1st question—

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

In answer to the 2nd question—

The Tribunal unanimously agrees that the Portland Channel is the channel which runs from about 55° 56' north latitude, and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the Portland Channel, after passing to the north of Wales Island, is the channel between Wales Island and Sitklan Island, called Tongass Channel. The Portland Channel above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the members of the Tribunal at the time of signing their decision.

In answer to the 3rd question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the 4th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map, and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the 5th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the answer to the above question is in the affirmative.

Question 5 having been answered in the affirmative, question 6 requires no answer.

In answer to the 7th question—

A majority of the Tribunal, that is to say, Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner, decides that the mountains marked S on the aforesaid map are the mountains referred to as

situated parallel to the coast on that part of the coast where such mountains marked S are situated, and that between the points marked P (mountain marked S, 8,000) on the north, and the point marked T (mountain marked S, 7,950), in the absence of further survey, the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed the above-written decision upon the questions submitted to us.

Signed in duplicate this 20th day of October, 1903.

ALVERSTONE.

ELIHU ROOT.

HENRY CABOT LODGE.

GEORGE TURNER.

Witness:

REGINALD TOWER, *Secretary.*

EXCHANGE OF NOTES between the British and United States' Governments, relative to the Acceptance of the Report of the Commissioners to complete the Award under the Convention of January 24, 1903,† respecting the Boundary Line between Alaska and the British North American Possessions.—Washington, March 25, 1905.*

No. 1.—*Mr. Adee to Sir H. M. Durand.*

*Department of State, Washington,
March 25, 1905.*

EXCELLENCY,

REFERRING to your note of the 1st October, and Mr. Hay's reply of the 2nd December, 1904, in regard to the report by Messrs. O. H. Tittmann and W. F. King, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an Agreement between the United States and Great Britain for the formal acceptance of the recommendations of the Commissioners by an exchange of notes, I have the honour to state, by direction of the President, that the Government of the United States agrees with the Government of His Britannic Majesty that the part of the boundary between Alaska and Canada lying between the points P and T mentioned in the Award of the

* October 20, 1903. Page 152.

† Vol. XCVI, page 84.

Tribunal of 1903 shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

Table showing the Positions and Distances of Peaks.

The latitudes and longitudes are taken from, and refer to, the maps Nos. 10 and 12 of the surveys made by the British Commission under the Convention of 1892.* The successive peaks are designated by consecutive numbers, counting southward from point P.

Points.	Latitude.	Longitude.	From—	To—	Approximate Distances.
Sheet 12—	° ' "	° ' "			Metres.
1	58 36 29	133 41 55	P	1	15,840
2	58 31 01	133 33 14	1	2	12,800
3	58 24 40	133 26 09	2	3	13,680
4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10—			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

Your acknowledgment of this communication, with a similar statement on behalf of the Government of His Majesty, will complete the agreed exchange of notes, and will confirm and give validity to the Agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

Expressing the President's satisfaction at this settlement of the matter, I have, &c.,

ALVEY A. ADEE,

Sir H. M. Durand.

Acting Secretary of State.

No. 2.—Sir H. M. Durand to Mr. Hay.

SIR,

British Embassy, Washington, March 25, 1905.

I HAVE the honour to acknowledge the receipt of your note of this date in regard to the Report by Messrs. W. F. King and O. H. Tittmann, the Commissioners appointed to carry out the delimitation of the Alaska boundary so far as it was left undefined by the Award of the London Tribunal, and concerning the character of an Agreement between Great Britain and the United States for the formal acceptance of the recommendations of the Commissioners by an exchange of notes.

By direction and on behalf of the Government of His Britannic Majesty, I have the honour to state that the Government of His Majesty agrees with the Government of the United States that the part of the boundary between Canada and Alaska lying between the points P and T, mentioned in the Award of the Tribunal of 1903, shall be defined, in accordance with the general principles laid down by said Tribunal, by the summits whose geographical co-ordinates are given with sufficient approximation for identification in the attached Table, provided that the Commissioners are hereby empowered, after they have secured sufficient data, to select additional and intermediate peaks between the points 7 and 8 and 8 and T where the distances between the peaks given in the Table exceed the probable limit of intervisibility: Provided also that no such additional and intermediate peak shall be more than 2,500 metres from the straight line joining peaks 7 and 8 or 8 and T of the attached Table, as follows:—

Table showing the Positions and Distances of Peaks.

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Points.	Latitude.	Longitude.	From—	To—	Approximate Distances.
	° ' "	° ' "			Metres.
Sheet 12—					
1	58 36 29	133 41 55	P	1	15,840
2	58 31 01	133 33 14	1	2	12,800
3	58 24 40	133 26 09	2	3	13,680
4	58 22 35	133 27 09	3	4	4,000
5	58 16 10	133 21 08	4	5	13,200
6	58 13 24	133 16 48	5	6	6,960
7	58 09 07	133 11 10	6	7	9,700
Sheet 10—			7	8	81,440
8	57 29 47	132 32 52	8	T	36,800

I am instructed to express the gratification of my Government that, by this exchange of notes, confirmation and validity are given to the Agreement reached by the Commissioners, thus completing the Award of the London Tribunal under the Convention of the 24th January, 1903, as to the above-described part of the Alaska boundary.

I have, &c.,

The Hon. John Hay.

H. M. DURAND.

EXCHANGE OF NOTES between Great Britain and the United States of America, respecting the Reciprocal Protection of Trade-marks in China.—Peking, June 28, 1905.

No. 1.—Mr. Rockhill to Sir E. Satow.

American Legation, Peking, China,

MR. MINISTER AND DEAR COLLEAGUE, *June 28, 1905.*

THE Acting Secretary of State of the United States has informed me in an instruction dated the 17th April, 1905, that you had been authorized by your Government to enter into a reciprocal Agreement with me for the mutual protection of trade-marks registered in the United States and Great Britain against infringement in China by the citizens or subjects of our respective nations, and he has given me authority to effect with you by an exchange of notes an Agreement for the reciprocal protection of American and British trade-marks in China.

In pursuance of the General Agreement reached between our respective Governments on the subject, it affords me much satisfaction to agree on behalf of the Government of the United States, that henceforth trade-marks of British subjects, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States' Consular Courts in China, in which effectual provision exists for the punishment of such infringements by American citizens.

I have, &c.,

Sir E. Satow.

W. W. ROCKHILL.

No. 2.—Sir E. Satow to Mr. Rockhill.

MR. MINISTER AND DEAR COLLEAGUE, *Peking, June 28, 1905.*

I HAVE the honour to acknowledge the receipt of your letter of this date, informing me that you have been authorized by your

Government to effect with me by an exchange of notes an Agreement for the reciprocal protection of American and British trade-marks.

I beg to thank you for this communication, and to assure you that it affords me much satisfaction to enter into this reciprocal Agreement, and henceforth protection will be afforded in China by His Britannic Majesty's Supreme Court for China and Corea and the Provincial Courts to trade-marks of citizens of the United States which have been duly registered in Great Britain in conformity with the Patents, Designs, and Trade-marks Acts, 1883 to 1888.*

At the same time it appears necessary to mention that the consent in writing of His Majesty's Minister or Chargé d'Affaires must be obtained on each occasion, which consent will be given as a matter of course in consequence of the assurance contained in your note under reply that effectual provision exists for the punishment in the United States' Consular Courts in China of infringement, by such persons as come under the jurisdiction of those Courts, of the trade-marks of British subjects which shall have been duly registered in the United States of America.

I have, &c.,

Hon. W. W. Rockhill.

ERNEST SATOW.

AWARD of the Tribunal of Arbitration constituted in virtue of the Protocols signed at Washington on the 7th May, 1903,† between Great Britain, Germany, and Italy, on the one hand, and Venezuela on the other hand.—The Hague, February 22, 1904.

THE Tribunal of Arbitration, constituted in virtue of the Protocols signed at Washington on the 7th May, 1903, between Germany, Great Britain, and Italy on the one hand, and Venezuela on the other hand;

Whereas other Protocols were signed to the same effect by Belgium, France, Mexico, the Netherlands, Spain, Sweden and Norway, and the United States of America on the one hand, and Venezuela on the other hand;

Whereas all these Protocols declare the agreement of all the

* Vol. LXXIV, page 211; Vol. LXXVI, page 498; Vol. LXXIX page 824.

† Vol. XCVI, page 101.

Contracting Parties with reference to the settlement of the claims against the Venezuelan Government;

Whereas certain further questions, arising out of the action of the Governments of Germany, Great Britain, and Italy concerning the settlement of their claims, were not susceptible of solution by the ordinary diplomatic methods ;

Whereas the Powers interested decided to solve these questions by submitting them to arbitration, in conformity with the dispositions of the Convention signed at The Hague on the 29th July, 1899,* for the pacific settlement of international disputes ;

Whereas, in virtue of Article 3 of the Protocols of Washington of the 7th May, 1903, His Majesty the Emperor of Russia was requested by all the interested Powers to name and appoint from among the members of the Permanent Court of Arbitration of The Hague three Arbitrators who shall form the Tribunal of Arbitration charged with the solution and settlement of the questions which shall be submitted to it in virtue of the above-named Protocols ;

Whereas none of the Arbitrators thus named could be a citizen or subject of any of the Signatory or Creditor Powers, and whereas the Tribunal was to meet at The Hague on the 1st September, 1903, and render its Award within a term of six months ;

His Majesty the Emperor of Russia, conforming to the request of all the Signatory Powers of the above-named Protocols of Washington of the 7th May, 1903, graciously named as Arbitrators the following members of the Permanent Court of Arbitration :

His Excellency M. N. V. Mouravieff, Secretary of State of His Majesty the Emperor of Russia, Actual Privy Councillor, Minister of Justice, and Procurator-General of the Russian Empire,

M. H. Lammasch, Professor of Criminal and of International Law at the University of Vienna, Member of the Upper House of the Austrian Parliament, and

His Excellency M. F. de Martens, Doctor of Law, Privy Councillor, Permanent Member of the Council of the Russian Ministry of Foreign Affairs, Member of the " Institut de France " ;

Whereas, by unforeseen circumstances, the Tribunal of Arbitration could not be definitely constituted till the 1st October, 1903, the Arbitrators, at their first meeting on that day, proceeding in conformity with Article XXXIV of the Convention of the 29th July, 1899,* to the nomination of the President of the Tribunal, elected as such his Excellency M. Mouravieff, Minister of Justice ;

And whereas, in virtue of the Protocols of Washington of the 7th May, 1903, the above-named Arbitrators, forming the legally constituted Tribunal of Arbitration, had to decide, in conformity

* Vol. XCI, page 970.

with Article 1 of the Protocols of Washington of the 7th May, 1903, the following points: "The question as to whether or not Germany, Great Britain, and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela, and its decision shall be final.

"Venezuela having agreed to set aside 30 per cent. of the customs revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at The Hague shall decide how the said revenues shall be divided between the Blockading Powers on the one hand and the other Creditor Powers on the other hand, and its decision shall be final.

"If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenue shall be distributed among all the Creditor Powers; and the Parties hereto agree that the Tribunal, in that case, shall consider, in connection with the payment of the claims out of the 30 per cent., any preference or pledges of revenues enjoyed by any of the Creditor Powers, and shall accordingly decide the question of distribution, so that no Power shall obtain preferential treatment, and its decision shall be final."

Whereas the above-named Arbitrators, having examined with impartiality and care all the documents and acts presented to the Tribunal of Arbitration by the Agents of the Powers interested in this litigation, and having listened with the greatest attention to the oral pleadings delivered before the Tribunal by the Agents and Counsel of the Parties to the litigation;

Whereas the Tribunal, in its examination of the present litigation, had to be guided by the principles of international law and the maxims of justice;

Whereas the various Protocols signed at Washington since the 13th February, 1903, and particularly the Protocols of the 7th May, 1903, the obligatory force of which is beyond all doubt, form the legal basis for the arbitral Award;

Whereas the Tribunal has no competence at all either to contest the jurisdiction of the Mixed Commissions of Arbitration established at Carácas, nor to judge their action;

Whereas the Tribunal considers itself absolutely incompetent to give a decision as to the character or the nature of the military operations undertaken by Germany, Great Britain, and Italy against Venezuela;

Whereas also the Tribunal of Arbitration was not called upon to decide whether the three Blockading Powers had exhausted all pacific methods in their dispute with Venezuela in order to prevent the employment of force;

And it can only state the fact that since 1901 the Government of
[1904-1905. xcviil.] M

Venezuela categorically refused to submit its dispute with Germany and Great Britain to arbitration which was proposed several times and especially by the note of the German Government of the 16th July, 1901;

Whereas after the war between Germany, Great Britain, and Italy on the one hand and Venezuela on the other hand no formal Treaty of Peace was concluded between the belligerent Powers;

Whereas the Protocols signed at Washington on the 13th February, 1903,* had not settled all the questions in dispute between the belligerent Parties, leaving open in particular the question of the distribution of the receipts of the Customs of La Guayra and Puerto Cabello;

Whereas the belligerent Powers in submitting the question of preferential treatment in the matter of these receipts to the judgment of the Tribunal of Arbitration, agreed that the arbitral Award should serve to fill up this void and to insure the definite re-establishment of peace between them;

Whereas, on the other hand, the warlike operations of the three great European Powers against Venezuela ceased before they had received satisfaction on all their claims, and, on the other hand, the question of preferential treatment was submitted to arbitration, the Tribunal must recognize in these facts precious evidence in favour of the great principle of arbitration in all phases of international disputes;

Whereas the Blockading Powers, in admitting the adhesion to the stipulations of the Protocols of the 13th February, 1903,* of the other Powers which had claims against Venezuela, could evidently not have the intention of renouncing either their acquired rights or their actual privileged position;

Whereas the Government of Venezuela in the Protocols of the 13th February, 1903 (Article 1), itself recognizes "in principle the justice of the claims" presented to it by the Governments of Germany, Great Britain, and Italy;

While in the Protocol signed between Venezuela and the so-called neutral or pacific Powers the justice of the claims of these latter was not recognized in principle;

Whereas the Government of Venezuela until the end of January 1903 in no way protested against the pretension of the Blockading Powers to insist on special securities for the settlement of their claims;

Whereas Venezuela itself during the diplomatic negotiations always made a formal distinction between "the allied Powers" and "the neutral or pacific Powers;"

* Vol. XCVI, pages 99, 803, and 1172.

Whereas the neutral Powers, who claim before the Tribunal of Arbitration equality in the distribution of the 30 per cent. of the customs receipts of La Guayra and Puerto Cabello, did not protest against the pretensions of the Blockading Powers to a preferential treatment either at the moment of the cessation of the war against Venezuela or immediately after the signature of the Protocols of the 13th February, 1903;

Whereas it appears from the negotiations which resulted in the signature of the Protocols of the 13th February and the 7th May, 1903, that the German and British Governments constantly insisted on their being given guarantees for "a sufficient and punctual discharge of the obligations" (British Memorandum of the 23rd December, 1902, communicated to the Government of the United States of America);

Whereas the Plenipotentiary of the Government of Venezuela accepted this reservation on the part of the allied Powers without the least protest;

Whereas the Government of Venezuela engaged, with respect to the allied Powers alone, to offer special guarantees for the accomplishment of its engagements;

Whereas the good faith which ought to govern international relations imposes the duty of stating that the words "all claims" used by the Representative of the Government of Venezuela in his conferences with the Representatives of the allied Powers (Statement left in the hands of Sir Michael Herbert by Mr. H. Bowen of the 23rd January, 1903), could only mean the claims of these latter and could only refer to them;

Whereas the neutral Powers, having taken no part in the warlike operations against Venezuela, could in some respects profit by the circumstances created by those operations, but without acquiring any new rights;

Whereas the rights acquired by the neutral or pacific Powers with regard to Venezuela remain in the future absolutely intact and guaranteed by respective international arrangements;

Whereas in virtue of Article V of the Protocols of the 7th May, 1903, signed at Washington, the Tribunal "shall also decide, subject to the general provisions laid down in Article LVII of the International Convention of the 29th July, 1899, how, when, and by whom the costs of this arbitration shall be paid;"

For these reasons, the Tribunal of Arbitration decides and pronounces unanimously that—

1. Germany, Great Britain, and Italy have a right to preferential treatment for the payment of their claims against Venezuela;

2. Venezuela having consented to put aside 30 per cent. of the revenues of the Customs of La Guayra and Puerto Cabello for the

payment of the claims of all nations against Venezuela, the three above-named Powers have a right to preference in the payment of their claims by means of these 30 per cent. of the receipts of the two Venezuelan ports above mentioned ;

3. Each Party to the litigation shall bear its own costs and an equal share of the costs of the Tribunal.

The Government of the United States of America is charged with seeing to the execution of this latter clause within a term of three months.

Done at The Hague, in the Permanent Court of Arbitration, on the 22nd February, 1904.

N. MOURAVIEFF.

H. LAMMASCH.

MARTENS.

*BRITISH NOTICE respecting the Certificate to be issued by French Consuls in the United Kingdom in cases of Marriages between British Subjects and French Citizens. — London, June 26, 1905.**

HAVING regard to the requirements which by French laws have to be met in order to constitute a marriage binding on a French citizen, whether the marriage is celebrated in France or abroad, it is most important in the interest of both parties that marriages with French citizens should not be contracted in England without the production of a certificate in this form, which has been agreed upon between His Majesty's Government and the Government of the French Republic.†

Home Office, Whitehall, June 26, 1905.

Formule pour Mariage entre Français et Anglais.

Nous, Consul de France à _____, déclarons qu'il résulte des pièces qui nous ont été produites :

1. Que M. _____ [profession] _____ ; né à _____ le _____, demeurant à _____ qui se propose de contracter mariage avec _____ [profession] _____ ; né à _____ le _____, demeurant à _____ est Français.

* "London Gazette," June 27, 1905.

† See Agreement between Great Britain and France of October–December, 1884. Vol. LXXV, page 597.

2. Qu'il a été procédé aux publications à fin de mariage exigées par la loi Française.

3. Qu'aucune opposition ne s'étant produite et toutes les formalités ayant été accomplies, il n'existe à notre connaissance aucun empêchement légal à l'union projetée et que le futurs époux seraient admis à contracter mariage en France.

Déclarons, en outre, qu'aux termes des Articles 47 et 170 du Code Civil le mariage contracté en pays étranger entre Français, et entre Français et étrangers, est valable s'il a été célébré dans les formes usitées dans le pays, pourvu qu'il ait été précédé des publications prescrites et que le Français n'ait point contrevenu aux dispositions inscrites dans les Articles 144 à 164.

En foi de quoi nous avons délivré la présente déclaration pour servir et valoir ce que de droit.

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Le Consul de France.

[Translation.]

I, Consul for the French Republic at _____, certify that from legal documents produced to me it appears:

1. That M. _____ [*profession or occupation*], _____, born at _____ on the _____, residing at _____, who proposes to contract marriage with _____ [*profession*], _____, born at _____ on the _____, residing at _____, is of French nationality.

2. That he has fulfilled the requirements of French law as to the publication of the notices necessary for his marriage.

3. That no opposition having been offered, and all the necessary formalities having been carried out, there is not to my knowledge any legal obstacle to the intended marriage, and that the parties to the intended marriage would be allowed to contract marriage in France.

And I further certify that pursuant to the terms of Articles 47 and 170 of the Civil Code, a marriage contracted in a foreign country between two persons of French nationality, or between a person of French nationality and a person of another nationality is valid if celebrated with the formalities customary in the country where such marriage takes place, provided that the notifications and publication prescribed by French law have preceded such marriage, and that the contracting party of French nationality has not infringed the provisions of Articles 144 to 164 of the Civil Code.

In testimony of which I have issued this certificate to have all due legal effect and validity.

Given at _____ on the _____, 190

Consul for the French Republic.

*BRITISH ORDER IN COUNCIL applying the Provisions of Section 103 of the Patents, &c., Act to the Republic of Cuba.—London, January 12, 1905.**

At the Court at Buckingham Palace, the 12th day of January, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 103 of "The Patents, Designs, and Trade-marks Act, 1883,"† as amended by section 6 of "The Patents, Designs, and Trade-marks (Amendment) Act, 1885,"‡ it is enacted as follows:—

1. If Her Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State, shall be entitled to a patent for his invention or to registration of his design or trade-mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the application in such foreign State:

Provided that this application is made, in the case of a patent, within seven months, and, in the case of a design or trade-mark, within four months, from his applying for protection in the foreign State with which the arrangement is in force:

Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his design or trade-mark in this country, as the case may be.

2. The publication in the United Kingdom, or the Isle of Man, during the respective periods aforesaid, of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade-mark.

3. The application for the grant of a patent, or the registration of a design, or the registration of a trade-mark under this section,

* "London Gazette," January 13, 1905.

† Vol. LXXIV, page 211.

‡ Vol. LXXVI, page 498.

must be made in the same manner as an ordinary application under this Act, provided that, in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

4. The provisions of this section shall apply only in the case of those foreign States with respect to which Her Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

And whereas it pleased Her late Majesty Queen Victoria to make an arrangement of the nature contemplated by the said enactment, by and in virtue of a Declaration signed and sealed by Her Majesty's Ambassador at Paris on the 17th day of March, 1884,* duly conveying the accession of Great Britain and Ireland to the International Convention and Protocol for the Protection of Industrial Property, signed by Representatives of certain Powers on the 20th day of March, 1883,† and duly ratified on the 6th day of June, 1884, power being reserved to Her Majesty to accede thereafter to the provisions of the said Convention and Protocol on behalf of the Isle of Man, the Channel Islands, and any of Her Majesty's possessions, which Declaration of Accession was duly accepted by the French Government on behalf of the signatory Powers, by and in virtue of a Declaration dated the 2nd day of April, 1884;

And whereas by various Orders in Council Her late Majesty Queen Victoria was pleased to declare that the hereinbefore recited provisions of the said Act should apply to the several foreign countries named in the said Orders parties to the said Convention and Protocol;

And whereas on the 14th day of December, 1900,‡ an Additional Act was agreed upon between Her late Majesty Queen Victoria and the Governments of the foreign countries parties thereto for the purpose of modifying certain of the provisions of the said International Convention and the Protocol annexed thereto, the ratifications of which Additional Act were duly effected except as regards the Dominican Republic and Servia;

And whereas by section 1 of "The Patents Act, 1901,"§ it is enacted as follows:—

1.—(1.) In the first proviso to sub-section 1 of section 103 of "The Patents, Designs, and Trade-marks Act, 1883" (which section relates to the time for making applications for protection under international arrangements) the words "twelve months" shall be substituted for the words "seven months."

* Vol. LXXV, page 414.

† Vol. XCII, page 807.

‡ Vol. LXXIV, page 44.

§ Vol. XCIV, page 500.

(2.) An application under that section shall be accompanied by a complete specification which, if it be not accepted within the period of twelve months shall, with the drawings (if any), be open to public inspection at the expiration of that period.

And whereas on the 1st day of May, 1903, the German Empire duly acceded to the said International Convention, Protocol, and Additional Act;

And whereas by an Order in Council dated the 9th day of October, 1903, His Majesty was pleased to declare that the provisions of section 103 of "The Patents, Designs, and Trade-marks Act, 1883," as amended by section 6 of "The Patents, Designs, and Trade-marks (Amendment) Act, 1885," and by section 1 of "The Patents Act, 1901," should apply to the German Empire;

And whereas on the 22nd day of September, 1904, the Republic of Cuba acceded to the said International Convention, Protocol, and Additional Act:*

Now, therefore, His Majesty, by and with the advice of his Privy Council, and by virtue of the authority committed to him by the above enactments, doth declare, and it is hereby declared, as follows:—

1. The provisions of section 103 of "The Patents, Designs, and Trade-marks Act, 1883," as amended by section 6 of "The Patents, Designs, and Trade-marks (Amendment) Act, 1885," and by section 1 of "The Patents Act, 1901," shall apply to the Republic of Cuba.

2. This Order shall take effect from the 17th day of November, 1904.

A. W. FITZROY.

BRITISH ORDER IN COUNCIL, repealing the Order in Council of June 23, 1904,† prohibiting the Importation of Sugar from the Dominican Republic.—London, February 4, 1905.‡

At the Court at Buckingham Palace, the 4th day of February, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Sugar Convention Act, 1903,"§ after reciting that by Article VII of the Convention, signed on the 5th day of March, 1902,|| in relation to sugar, provision was made for the

* Accession to date from November 17, 1904. See Vol. XCVII, page 873.

† Vol. XCVII, page 120.

‡ "London Gazette," February 7, 1905.

§ Vol. XCVI, page 108.

|| Vol. XCV, page 6.

establishment of a Permanent Commission (in the Act referred to as "the Permanent Commission") charged with watching the execution of the provisions of the Convention, it is enacted that where it is reported by the Permanent Commission that any direct or indirect bounty is granted in any foreign country on the production or export of sugars, His Majesty may, by Order in Council, make a prohibition Order, that is to say, an Order prohibiting sugar from that foreign country to be imported or brought into the United Kingdom, subject to any provision which might be made by Parliament in lieu of such prohibition to impose a special duty on such sugar in accordance with the Convention; and that while a prohibition Order is in force the laws relating to the customs shall apply as if the sugar in respect of which the Order is made were specified, with exception as to transit, in the Table of prohibitions and restrictions inwards contained in section 42 of "The Customs Consolidation Act, 1876." And it was also enacted that His Majesty might, similarly, make such regulations as should appear to him necessary in relation to any such Order and revoke, alter, or add to any such Order;

And whereas upon a report by the said Permanent Commission that a bounty on the exportation of sugars was granted in the Dominican Republic, His Majesty by Order in Council dated the 23rd day of June, 1904, prohibited as from the 1st day of August then ensuing, the importation into the United Kingdom of sugar from the Dominican Republic (not including molasses and sugar-sweetened products) and declared that in relation to that Order Regulation 4 in the Schedule to the Order in Council under the said Act, dated the 11th day of August, 1903,* should be construed and read as referring to the Dominican Republic as well as to the other countries named therein;

And whereas the Government of the Dominican Republic has by a Decree published in the "Official Gazette" of Santo Domingo, dated the 10th day of December, 1904, reduced the duties on foreign sugars so as to bring the surtax within the limits specified in Article III of the said Convention, and it now appears that the said Government has ceased to grant the aforesaid bounty on the exportation of sugars so that the prohibition Order is no longer necessary:

Now, therefore, His Majesty, in exercise of the powers vested in him by the said recited Act, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that the said recited Order in Council dated the 23rd day of June, 1904, shall be no longer in force, and the said Order is from this day hereby revoked.

A. W. FITZROY

BRITISH ORDER IN COUNCIL, regulating the Currency in the East Africa and Uganda Protectorates. — London, February 10, 1905.

At the Court at Buckingham Palace, the 10th day of February, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty has power and jurisdiction within the East Africa and Uganda Protectorates;

And whereas by an Order in Council made the 19th day of May, 1898,* it was enacted that the silver rupee of British India should be the standard coin of the East Africa Protectorate, and that certain subsidiary coins, being coins of British India and of the late Imperial British East Africa Company, should be legal tender in the said Protectorate for the respective amounts therein specified;

And whereas it is expedient that in place of the subsidiary copper coins, made legal tender by the recited Order, new subsidiary copper coins representing decimal parts of the rupee should be substituted;

And whereas it is expedient that the silver rupee of British India should be the standard coin of the Uganda Protectorate, and that the same subsidiary coins should be legal tender for the same respective amounts in East Africa and Uganda;

And whereas it is expedient that British sovereigns should be made legal tender in East Africa and Uganda at the rate specified in this Order;

And whereas it is expedient to provide for the issue of Government paper currency with the two Protectorates:

Now, therefore, His Majesty, by virtue and in exercise of the powers by "The Foreign Jurisdiction Act, 1890,"† or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The East Africa and Uganda (Currency) Order in Council, 1905."

2. In this Order the following expressions have the meanings hereby assigned to them, unless the context otherwise requires, that is to say:

"East Africa" means the East Africa Protectorate as defined in "The East Africa Order in Council, 1902."‡

* Vol. XC, page 216.

† Vol. LXXXII, page 656.

‡ Vol. XCV, page 625.

"Uganda" means the Uganda Protectorate as defined in "The Uganda Order in Council, 1902."*

"The Protectorate" means East Africa or Uganda as the case may require.

The expression "Commissioner" means His Majesty's Commissioner for the Protectorate, and includes the person for the time being administering the Government of the Protectorate.

The expression "Treasury" means the Lord High Treasurer or the Commissioners of His Majesty's Treasury.

The expression "Secretary of State" means one of His Majesty's Principal Secretaries of State.

The expression "person" includes a body of persons corporate or unincorporate.

The expression "Gazette" means the Gazette of the Protectorate.

The expression "current coin" means coin which is for the time being legal tender in the Protectorate.

The expression "imprisonment of either description" means rigorous or simple imprisonment as provided in the Indian Penal Code or any law of the Protectorate.

Words in the singular include the plural, and words in the plural include the singular.

Article 3 of "The East Africa Order in Council, 1902," and Article 3 of "The Uganda Order in Council, 1902," are incorporated in this Order, for the purpose of application to the Protectorates respectively.

Currency Board.

3.—(1.) A Board of Commissioners of Currency (in this Order referred to also as "the Currency Board") shall be established for the purposes of this Order, and shall consist of the Treasurer of East Africa, or the person for the time being discharging his duties, and two other persons being officers in the public service of East Africa, to be nominated by the Commissioner for East Africa.

(2.) The Currency Board shall have an office at Mombasa, and also, if the Secretary of State so directs, at Entebbe, and may employ such officers and persons as may be from time to time authorized by the Commissioner.

(3.) Any act of the Currency Board may be signified in writing under the hands of the Commissioners of Currency.

(4.) If any nominated member of the Currency Board is for the time being unable to act, the Commissioner may appoint a fit person to act in his place during such inability.

Coin.

4.—(1.) The silver rupee of British India, of the standard weight and millesimal fineness specified in the First Schedule to this Order, shall be the standard coin of the Protectorates.

(2.) Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money or involving the payment of, or the liability to pay, any money, shall, in the absence of express agreement to the contrary, be held to be made, executed, entered into, done, and had in the Protectorates respectively according to the standard coin.

(3.) The coin mentioned in the Second Schedule to this Order shall be treated as equal to the standard coin.

5.—(1.) Subsidiary coins may from time to time be coined for the Protectorates under the direction of the Master of Our Mint, or at one of Our Mints in British India, of the denominations, weights, and fineness specified in the Third Schedule to this Order, or of any of those denominations as the Secretary of State may think fit.

(2.) Those coins shall be of such form and shall have such impressions as may be approved by the Master of Our Mint and by a Secretary of State, together with an indication of the value of the piece in cents or hundredths of a rupee or otherwise as may be proper.

(3.) Each coin so coined shall be a legal tender for the amount of its denomination.

(4.) Each of the subsidiary coins mentioned in the Fourth Schedule to this Order shall be a legal tender for the amount in that behalf in that Schedule mentioned.

6.—(1.) If the Commissioners of the two Protectorates at any time request that any subsidiary coins of less value than the rupees whether of silver, copper, bronze, or other metal or mixed metal be coined, and the Treasury and a Secretary of State approve the request, those subsidiary coins may be so coined, under the direction of the Master of Our Mint, or at one of Our Mints in British India.

(2.) The subsidiary coins so coined (in this Order referred to as "new subsidiary coins") shall have either the same impressions as the coins specified in the Third Schedule to this Order (in this Order referred to as "existing subsidiary coins"), or such other impressions as may be approved by the Master of Our Mint and by a Secretary of State.

(3.) Any new subsidiary coin may be of the same denomination as any existing subsidiary coin or of a different denomination.

7. Every new subsidiary coin shall—

(a.) If of silver be of the millesimal fineness of 800, and of a standard weight bearing the same proportion to the weight of the standard rupee as the denomination of the new coin bears to that rupee; and

(b.) If of copper, bronze, or other metal, or mixed metal be of the standard weight specified in the Proclamation by virtue of which the coin under this Order becomes legal tender in the Protectorate.

8.* In the making of any existing or new coin a “remedy” or variation from the standard weight, and, in the case of silver coins, from the standard fineness, required by this Order, shall be allowed from any existing coin of an amount not exceeding that specified in the Third Schedule to this Order, and for any new coin—

(a.) As regards fineness (if the coin is of silver) of the amount specified in the Third Schedule to this Order; and

(b.) As regards weight of an amount bearing the same proportion—

(i.) If of silver, to the weight of the 25 cent piece mentioned in the said Schedule; and

(ii.) If of copper, bronze, or other metal, or mixed metal, to the weight of the 5 cent piece mentioned in the said Schedule, as the denomination of the new coin bears to those pieces respectively.

9.—(1.) A tender of payment of money in the Protectorates, if made in standard coins, or any coins specified in the Second, Third, or Fourth Schedule to this Order, shall, if the coins have not been illegally dealt with, and, when of silver, have not become diminished in weight, by wear or otherwise, so as to be of less weight than the weight in that behalf specified in the Schedules to this Order as the least current weight, be a legal tender—

(a.) In the case of rupees, for the payment of any amount.

(b.) In the case of other silver coins, for the payment of an amount not exceeding 5 rupees, but for no greater amount.

(c.) In the case of coins of copper or mixed metal, for the payment of an amount not exceeding one-half of a rupee, but for no greater amount.

(2.) Each coin shall be a legal tender only for the amount of its denomination.

(3.) If any new subsidiary coins are coined under this Order, this Article shall, after the date fixed by the Commissioner in a Proclamation, made with the approval of the Treasury and a

* Amended by Order in Council of June 30, 1906. Will be given in Vol. XCIX.

Secretary of State, setting forth in a Schedule the like particulars with respect to each coin as are set forth in the Third Schedule to this Order, apply to the new subsidiary coins as if the Schedule to the Proclamation were added to that Third Schedule or substituted for that Schedule, either as set out in this Order or as altered by any previous Proclamation under this Article, or for so much of such Schedule as is stated in the Proclamation to be rescinded, and the Schedule, or so much thereof as is stated in such Proclamation to be rescinded, shall be rescinded accordingly.

10.—(1.) For the purposes of this Order a coin shall be deemed to have been illegally dealt with where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped or engraved thereon, whether the coin has or has not been thereby diminished or lightened.

(2.) Any coin which, by virtue of any Proclamation under this Order, has ceased to be legal tender, or which has ceased to be legal tender in British India, or which has been illegally dealt with, or is below the least current weight, may be called in, cut, broken, or defaced under the authority of the Commissioner, in accordance with such regulations as the Commissioner may make.

11. From and after the commencement of this Order, and until a date to be fixed by the Commissioner by a Proclamation made under the instructions of a Secretary of State, the one-eighth rupee silver coin and the copper, bronze, or mixed metal coins at present current in East Africa under the provisions of the said recited Order in Council of the 19th May, 1898, shall be a legal tender of payment in either of the Protectorates for any sum not exceeding one-half a rupee, the said coins to continue current until a date so to be fixed by Proclamation as aforesaid at the same rate as regards the rupee as those at which they now pass.

12. Wherever any denomination of the currency of British India (other than rupees) is specified in any Ordinance, Proclamation, Regulation, Rule, or Contract in force in either of the Protectorates at the commencement of this Order in relation to any payment to be made to or by the Government of that Protectorate, such sums shall be respectively received and paid in the legal subordinate currency established by this Order, or, until the date to be fixed by the said Proclamation, in the subordinate currency established by the said recited Order.

The provisions of this Article shall apply to every other Contract or engagement, unless it contains any special provision or agreement to the contrary.

The equivalents of the subordinate currency of British India and of the legal subordinate currency established by this Order may

be fixed for the purposes of this Article by a Proclamation under this Order.

13. Sovereigns, whether coined at Our Mint in England or at any Mint established as a branch of Our Mint, shall be a legal tender in payment or on account at the rate of 15 rupees for one sovereign: Provided that such coins have not been called in by any Proclamation made in pursuance of "The Coinage Act, 1870,"* or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Act as the least current weight.

Currency Notes.

14.—(1.) Subject to the provisions of this Order, the Currency Board may from time to time provide and issue and re-issue, in exchange either for current coin or for notes previously issued under this Order, notes in this Order referred to as "currency notes."

(2.) A currency note shall be a promise on the part of the Government of East Africa to pay to the bearer on demand the amount named therein; and the amount required for such payment shall be a charge on the moneys and securities in the hands of the Currency Board under this Order, and on the general revenue of East Africa; and if a sum is required to meet any such note, and the said moneys are insufficient to meet it, the sum shall forthwith, on the demand of the Currency Board, be issued under the order of the Commissioner out of such general revenue.

(3.) The holder of a currency note shall be entitled to obtain on demand during office hours, at the office of the Currency Board, payment in current coin of the amount expressed in the note.

15.—(1.) Currency notes may, subject to the approval of a Secretary of State, be for any of the following denominations, namely, 5 rupees, 10 rupees, 20 rupees, 50 rupees, and any multiple of 50 rupees, and the amount of notes of each denomination shall be such as may be fixed by the Currency Board with the approval of a Secretary of State.

(2.) Currency notes shall be in such form and of such design, and printed from such plates and on such paper, and be authenticated in such manner (whether by the signatures of the Commissioners of Currency for the time being, or facsimiles of those signatures, or otherwise) as may be approved by a Secretary of State.

(3.) The plates shall be prepared and kept, and the notes printed, issued, and cancelled under such regulations as a Secretary

of State may make for the purpose of preventing fraud and improper issue.

16. A currency note shall be a legal tender in either of the Protectorates of the amount expressed therein, except a tender by the Currency Board at their office.

17.—(1.) Subject as hereinafter mentioned, the coin received in exchange for currency notes shall form the Note Guarantee Fund, and be held by the Currency Board for meeting the payment of the notes, and shall not be applied to any other purpose.

(2.) Of the Note Guarantee Fund, a portion (in this Order referred to as “the coin portion of the fund”), not being less than the fixed proportion hereinafter mentioned, shall be in coin, and shall be kept in the custody of the Currency Board; but the balance may be invested as hereinafter mentioned, and the portion so invested is in this Order referred to as “the invested portion of the fund.”

(3.) The coin portion of the fund shall not be less than the fixed proportion of the notes for the time being in circulation, and, if and so far as necessary, the securities forming the invested portion of the fund shall be sold so as to maintain the coin portion at or above the fixed proportion :

Provided that, if the deficiency of the coin portion below the fixed proportion does not exceed one-fourth of that proportion, the sale of securities may, with the consent of the Commissioner, be temporarily postponed for a period not exceeding three months; but until the coin portion amounts to that fixed proportion no further investment of securities shall be made, and the whole income of the invested portion of the fund shall be carried to and form part of the coin portion of the fund.

(4.) The fixed proportion shall in the first instance be two-thirds, but if the Commissioner for East Africa satisfies a Secretary of State that, having regard to the amount of notes which are always outstanding, the fixed proportion may be diminished without danger to the convertibility of the currency notes, and obtains the authority of a Secretary of State for the purpose, he may by Proclamation fix another proportion so that it be not less in any case than one-half.

(5.) Any such Proclamation may be revoked by an order of a Secretary of State without prejudice to the issue of a new Proclamation.

Investments and Depreciation Fund.

18.—(1.) The portion of the Note Guarantee Fund authorized to be invested shall not be invested in any securities of the Government of East Africa or of Uganda, but, save as aforesaid, may be

invested in such securities of the Government of any part of His Majesty's dominions or in such other securities as a Secretary of State may approve.

(2.) The investments shall be made in the names of such officers or persons as a Secretary of State may direct, and the investments shall be from time to time varied, and the securities sold, in accordance with regulations approved by a Secretary of State.

(3.) The securities shall be applicable to the payment of currency notes, and to no other purpose.

(4.) The income derived from the securities shall be applied—

(a.) In paying the expenses of and incidental to the execution of the Order; and

(b.) In the payment of a sum equal to 1 per cent. of the cost price of the securities to a Depreciation Fund; and

(c.) Subject to the other provisions of this Order, as part of the ordinary revenue of East Africa.

19.—(1.) A separate account shall be kept of the Depreciation Fund, and the income of the fund shall be invested by way of accumulation so as to form part of the fund; but save as aforesaid, or as is otherwise expressly provided by this Order, the Depreciation Fund shall form part of the portion of the Note Guarantee Fund to be invested, and the provisions of this Order shall apply thereto accordingly.

(2.) When the Commissioner for East Africa satisfies a Secretary of State that the Depreciation Fund is not less than 10 per cent. of the invested portion of the Note Guarantee Fund, and is of such an amount that it is unnecessary further to increase the Depreciation Fund, he may order the annual appropriation of the said 1 per cent. to be discontinued, and the annual income of the Depreciation Fund to be wholly or partly applied in aid of the general revenue of East Africa until he shall, with the approval or by direction of a Secretary of State, otherwise order.

Accounts and Expenses.

20.—(1.) The accounts of all transactions of the Currency Board under this Order shall be audited in every year by such persons and in accordance with such regulations as a Secretary of State directs.

(2.) An abstract of such accounts shall be forthwith, after such audit, published in the "Gazette."

(3.) If it appears, upon such audit, that the market value of the securities forming the invested portion of the Note Guarantee Fund (including the Depreciation Fund) is less than the amount of coin taken for investment from the Note Guarantee Fund, the amount

of the deficiency shall forthwith be paid into the Note Guarantee Fund by order of the Commissioner for East Africa out of the general revenue of that Protectorate.

(4.) The Currency Board shall on the tenth day of each calendar month, or, if that day be Sunday, on the next day, make up and forthwith publish in the "Gazette" of each Protectorate an abstract showing—

(a.) The whole amount of currency notes in circulation on the said day, and the average daily amount in circulation during the month ending that day ;

(b.) The amount of the coin portion of the Note Guarantee Fund on the said day, and the average daily amount during the month ending that day ; and

(c.) The nominal value of, price paid for, and the latest known market price of the securities forming the invested portion of the Note Guarantee Fund.

(5.) The amount of notes in circulation at a particular date shall be the total nominal amount of notes issued to the public by the Currency Board prior to that date, after deducting the total nominal amount of notes received by the Currency Board prior to that date.

(6.) The said abstracts shall from time to time, and at least once a quarter, be verified, in accordance with regulations made by a Secretary of State, by a Board of Survey appointed by the Commissioner for East Africa.

21. All expenses of and incidental to the execution of this Order shall, so far as not defrayed out of the income of the Note Guarantee Fund, be paid out of the general revenue of East Africa.

Commencement.

22. This Order shall come into operation in each Protectorate on such day as may be fixed by Proclamation by the Commissioner : Provided that any parts of this Order may be brought into operation at different dates by different Proclamations.

The date when this Order, or any part thereof, is so brought into operation is, as respects this Order or any such part, referred to as the commencement of this Order.

23. Every Proclamation made by a Commissioner under or in pursuance of this Order shall be made with the approval of the Treasury and of a Secretary of State.

Proclamations shall be made by the respective Commissioners so that they shall, as far as may be practicable, take effect on the same day in each Protectorate.

24. As from the date when the provisions of this Order with

respect to coin come into operation in East Africa the recited Order in Council of the 19th May, 1898, shall be repealed.

25. Nothing in this Order shall affect any liability incurred, contract made, or other thing done before the commencement of the Order.

And the Lords Commissioners of His Majesty's Treasury, and the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, are to give the necessary directions herein.

A. W. FITZROY.

SCHEDULES.

FIRST SCHEDULE.

The Standard Rupee.

Coin.	Metal.	Millesimal Fineness.	Standard Weight.		Least Current Weight.	
			Grains.	Grammes.	Grains.	Grammes.
Rupee of British India	Silver ..	916·6	180	11·664	176·4	11·431

SECOND SCHEDULE.

The Rupee of the late Imperial British East Africa Company.

Ratio to Standard Coin.	Coin.	Metal.	Millesimal Fineness.	Standard Weight.		Least Current Weight.	
				Grains.	Grammes.	Grains.	Grammes.
1·0	Rupee ..	Silver ..	916·6	180	11·664	176·4	11·431

THIRD SCHEDULE.*

Subsidiary Coins of East Africa and Uganda.

Portion of Rupee for which Tender.	Coin.	Millesimal Fineness.	Standard Weight.		Remedy Allowances.		
			Grains.	Grammes.	Weight per Piece.		Millesimal Fineness.
					Grains.	Grammes.	
	<i>Silver.</i>						
0·5	50-cent piece ..	800	90	5·832	0·630	0·0408	3
0·25	25-cent piece ..	800	45	2·916	0·315	0·0204	3
	<i>Copper, Bronze, or other Metal, or Mixed Metal.</i>						
0·10	10-cent piece ..	..	..	..	..	..	None.
0·05	5-cent piece ..	..	291·6	18·9	7·29	0·472	"
0·01	1-cent piece ..	..	72·916	4·725	1·82	0·118	"
0·001	$\frac{1}{10}$ -cent piece ..	..	..	..	..	..	"

FOURTH SCHEDULE.

Subsidiary Silver Coins of British India, and of the late Imperial British East Africa Company.

Portion of Rupee for which Tender.	Coin.	Millesimal Fineness.	Standard Weight.		Least Current Weight.	
			Grains.	Grammes.	Grains.	Grammes.
	<i>Coins of British India.</i>					
0·5	$\frac{1}{2}$ rupee	916·6	90	5·832	88·2	5·715
0·25	$\frac{1}{4}$ rupee	916·6	45	2·916	44·1	2·858
	<i>Coins of the late Company.</i>					
0·5	$\frac{1}{2}$ rupee	916·6	90	5·832	88·2	5·715
0·25	$\frac{1}{4}$ rupee	916·6	45	2·916	44·1	2·858

* New Schedule substituted by Order in Council of June 30, 1906. Will be given in Vol. XCIX.

BRITISH ORDER IN COUNCIL, amending "The Southern Rhodesia Order in Council, 1898."—London, March 20, 1905.†*

At the Court at Buckingham Palace, the 20th day of March, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Archbishop of Canterbury.
Lord President.

Lord Suffield.
Sir William Walrond.

WHEREAS it is expedient to amend certain provisions of "The Southern Rhodesia Order in Council, 1898":

Now, therefore, His Majesty is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. Notwithstanding anything contained in "The Southern Rhodesia Order in Council, 1898," the Secretary of State may appoint one and the same person to hold the respective offices of Resident Commissioner and Commandant-General constituted by the said Order.

2. The person so appointed shall be called the "Resident Commissioner and Commandant General," and shall have all the powers and duties and be subject to all the liabilities of the Resident Commissioner and of the Commandant-General respectively prescribed by the said Order in Council.

3. As often and so long as the aforesaid offices of Resident Commissioner and Commandant-General are held by the same person, sub-sections 5 and 6 of section 48 of the said Order shall cease to have effect, provided that in no case shall the Resident Commissioner and Commandant-General take action of the nature of a military operation without the authority of the High Commissioner.

4. Judicial notice shall be taken of this Order and of the commencement thereof.

5. This Order shall come into operation forthwith, and shall be published in the "Gazette," and the High Commissioner shall give directions for the publication of this Order at such places and in such manner and for such time or times as he thinks proper for giving due publicity thereto.

6. His Majesty may from time to time revoke, alter, add to, or amend this Order.

* Vol. XC, page 236.

† "London Gazette," March 21, 1905.

7. This Order may be cited as "The Southern Rhodesia Order in Council, 1905."

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, prohibiting the Importation of Sugar from Spain, and making Regulations as to Certificate of Origin.—London, March 27, 1905.**

At the Court at Buckingham Palace, the 27th day of March, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Sugar Convention Act, 1903,"† after reciting that by Article VII of the Convention signed on the 5th day of March, 1902,‡ in relation to sugar, provision was made for the establishment of a Permanent Commission (in the Act referred to as "the Permanent Commission") charged with watching the execution of the provisions of the Convention, it is enacted that where it is reported by the Permanent Commission that any direct or indirect bounty is granted in any foreign country on the production or export of sugars, His Majesty may, by Order in Council, make a prohibition Order, that is to say, an Order prohibiting sugar from that foreign country to be imported or brought into the United Kingdom, subject to any provision which might be made by Parliament in lieu of such prohibition to impose a special duty on such sugar in accordance with the Convention; and that while a prohibition Order is in force the laws relating to the Customs shall apply as if the sugar in respect of which the Order is made was specified, with exception as to transit, in the Table of prohibitions and restrictions inwards contained in section 42 of "The Customs Consolidation Act, 1876."§ And it was also enacted that His Majesty might similarly make such regulations as should appear to him necessary in relation to any such Order, and in particular require the origin of all sugar imported or brought into the United Kingdom whether in transit or otherwise to be proved by such certificate or other evidence as might be provided in the Order; but no Order made was to apply to molasses;

And whereas it appears from a Report of the said Permanent Commission that a bounty on the production or export of sugars is granted in Spain:

* "London Gazette," March 28, 1905.

‡ Vol. XCV, page 6.

† Vol. XCVI, page 108.

§ 39 & 40 Vict., c. 36.

Now, therefore, His Majesty, in exercise of the powers vested in him by the said recited Act, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that from and after the 3rd day of April, 1905, and subject to any such provision by Parliament as hereinbefore stated, all sugar from Spain (not including molasses and sugar-sweetened products) shall (except in transit) be prohibited to be imported or brought into the United Kingdom; and that, in relation to this Order, the Regulations in the Schedule to the Order in Council under the said Act, dated the 11th day of August, 1903,* shall be deemed as made and prescribed, and Regulation 4 in the said Schedule shall be construed and read as referring to Spain as well as to the other countries named therein.

A. W. FITZROY.

BRITISH ORDER IN COUNCIL, applying the Extradition Acts in the case of the Republic of Cuba.—London, May 10, 1905.†

At the Court at Buckingham Palace, the 10th day of May, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Sir H. Aubrey-Fletcher.

Lord Steward.

Sir Savile Crossley.

Earl of Kintore.

WHEREAS by the Extradition Acts, 1870 to 1895, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient;

And whereas a Treaty was concluded on the 3rd day of October, 1904, between His Majesty and the President of the Republic of Cuba, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[See Vol. XCVII, page 26.]

* Vol. XCVI, page 234.

† "London Gazette," May 12, 1905.

And whereas the ratifications of the said Treaty were exchanged at Havana on the 10th day of January, 1905:

Now, therefore, His Majesty, by and with the advice of his Privy Council, and in virtue of the authority committed to him by the said recited Acts, doth order, and it is hereby ordered, that from and after the 22nd day of May, 1905, the said Acts shall apply in the case of Cuba and of the said Treaty with the President of the Republic of Cuba:

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

A. W. FITZROY.

BRITISH ORDER IN COUNCIL, respecting the Acquisition of Land by Foreigners in Guernsey.—London, May 10, 1905.

At the Court at Buckingham Palace, the 10th day of May, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Sir H. Aubrey-Fletcher.

Lord Steward.

Sir Savile Crossley.

Earl of Kintore.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 4th day of April, 1905, in the words following, viz. :—

"Your Majesty having been pleased, by your General Order of Reference of the 24th day of January, 1901, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, dated the 27th December, 1904, setting forth—

"1. That the peculiar geographical position and limited area (less than 40 square miles) of the Island of Guernsey make it imperative that special precautions should be taken with regard to the settlement in the island of foreigners, who are not subjects of Your Majesty ;

"2. That the attention of both the civil and military authorities has of late been repeatedly drawn to the extensive acquisition by such aliens either by purchase or by taking on lease of estates, lands, and houses in the island. Such acquisition by purchase and lease

has been frequent in the past, and is on the increase, and unless checked is likely to give rise to political and other complications ;

“3. That, moreover, the transfer by way of mortmain and otherwise by individual owners of their lands and houses to or in trust for foreign associations or other alien bodies is owing to the existing Laws and Ordinances relating to parochial taxation causing and likely to cause great injustice to the ratepayers of the different parishes whose burdens are thereby increased ;

“4. That at a Court of Chief Pleas held on the 2nd day of November, 1904, the Crown Officers submitted for the consideration of the Court a Bill or ‘Projet de Loi’ intituled ‘Loi relative à l’Acquisition de Propriété Immobilière en cette Ile par des Étrangers ou par des Sociétés Étrangères.’ The said Bill or ‘Projet’ was adopted with some modifications by the said Court, and the bailiff was requested to bring the same before the States in order that if that body approved it might be transmitted to Your Majesty for your Royal sanction ;

“5. That the said Bill or ‘Projet’ was accordingly submitted to the State of the Island, who at a meeting held on the 30th November, 1904, adopted the said Bill or ‘Projet’ with some further modifications. The Bill or ‘Projet’ as finally modified and adopted by the States is in the words and figures set forth in the Schedule to the Petition ; and humbly praying that Your Majesty would be graciously pleased to give your Royal sanction to the said Bill or ‘Projet’ intituled ‘Loi relative à l’Acquisition de Propriété Immobilière en cette Ile par des Étrangers ou par des Sociétés Étrangères’ as the same are set forth in the Schedule to the Petition, and to order and direct that the same may have the force of law in the Island of Guernsey : The Lords of the Committee, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Petition and the ‘Projet de Loi’ into consideration, and do agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said ‘Projet de Loi’ ” :

His Majesty, having taken the said Report into consideration, is pleased, by and with the advice of his Privy Council, to approve and ratify the said ‘Projet de Loi,’ and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Guernsey.

And His Majesty doth hereby further direct that this Order and the said “Projet de Loi” (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly. And the Lieutenant-Governor or Commander-in-chief of the Island of Guernsey, the bailiffs and jurats, and all other His Majesty’s Officers, for the time being, in the said island, and all

other persons whom it may concern, are to take notice and govern themselves accordingly.

A. W. FITZROY.

PROJET DE LOI referred to in the foregoing Order in Council.

Loi relative à l'Acquisition de Propriété Immobilière en cette Ile par des Étrangers ou par des Sociétés Étrangères.

ATTENDU que la situation géographique et le peu d'étendue de cette île nécessitent que des soins spéciaux soient pris par rapport à l'établissement dans l'île d'étrangers non sujets de Sa Majesté ;

Attendu que l'acquisition (toujours en croissant) et le louage par de tels étrangers d'héritages, de terres et de maisons, tant dans le passé que dans l'avenir, pourrait donner lieu à des complications tant politiques qu'autres ;

Attendu que le transfert d'héritages, de terres, et de maisons par des particuliers à des sociétés étrangères et autres corps étrangers pour tenir en mainmorte, porte préjudice, d'après les ordonnances et lois existantes relatives à la taxation paroissiale, aux contribuables des différentes paroisses de cette île :—

Article Général.—Dans cette Loi le terme “étranger” s'applique à tout individu qui n'est pas sujet de Sa Majesté ; le terme “société étrangère” s'applique à toute société, association, communauté ou corporation étrangère.

ART. 1. Nul étranger ni société étrangère ne pourra dorénavant soit directement, soit indirectement, soit par l'intermédiaire de fidei-commissaires ou *anglicé* “Trustees” ou autres personnes interposées, acquérir ou tenir à louage ou occuper aucune propriété immobilière dans cette île pour plus d'une année, ou tenir et posséder en mainmorte des propriétés immobilières dans cette île, sans que les formalités ci-dessous énumérées soient observées.

2. L'étranger, ou (dans le cas d'une société étrangère) le gérant mentionné dans l'Article 5, adressera aux officiers du Roi une déclaration solennelle laquelle contiendra—

(1.) Les circonstances de son état, par exemple : de sa famille, sa profession, le lieu d'où il vient, et autres détails nécessaires pour arriver à le bien faire connaître.

(2.) Dans le cas d'une société étrangère la déclaration contiendra en outre—

- (a.) Son nom et objet ;
- (b.) La signature sociale ;
- (c.) Le nom et l'adresse du gérant.

(3.) La description de la propriété qu'il est proposé d'acquérir, de louer ou d'occuper, avec le montant du prix ou du loyer, et les termes et conditions du contrat d'acquisition, de louage ou d'occupation.

3. Le postulant dressera ou fera dresser une Requête à la Cour Royale aux fins de la dite déclaration solennelle, laquelle Requête sera communiquée en premier lieu aux Officiers du Roi et ensuite par eux aux officiers de la paroisse dans laquelle l'étranger ou la société étrangère désire acquérir, louer ou occuper une propriété immobilière, et les Officiers du Roi s'informeront d'eux s'ils ont quelques objections à la Requête. Les Officiers du Roi la transmettront alors à M. le Lieutenant-Gouverneur avec leurs remarques et celles des officiers paroissiaux. Si le Lieutenant-Gouverneur ne désapprouve pas la Requête il signera à cet effet au pied de la pièce, laquelle sera par après présentée à la Cour Royale siégeant en corps, laquelle admettra ou refusera la demande. La décision de la Cour sera finale.

4. Tout contrat ou accord aux fins de cette Loi sera par écrit et enregistré au Greffe à peine de nullité.

5. Toute société étrangère aujourd'hui établie dans cette île sera tenue dans un mois de l'enregistrement de la présente loi, et toute société étrangère qui s'établira plus tard dans cette île sera tenue, lors de la transmission aux Officiers du Roi de la déclaration solennelle, de faire enregistrer au Greffe dans un livre appelé "Registre des Sociétés étrangères" le prénom, le nom, et l'adresse dans cette île d'une personne qui sera appelée "gérant," sous peine d'une amende, à discrétion de Justice, qui n'excédera pas 100%.

Une société étrangère sera tenue de faire enregistrer dans le dit Registre tous changements de gérant et de son adresse sous peine d'une amende, à discrétion de Justice, qui n'excédera pas 100%.

6. Toute société étrangère établie dans cette île sera censée un habitant de paroisse pour les besoins des lois et des ordonnances relatives à la taxation paroissiale. Le gérant aura au nom de la société étrangère une voix dans les Assemblées de Paroisse, et sera tenu de faire pour la dite société les déclarations requises d'un habitant de paroisse.

7. Tous ajours et autres semonces qui concernent la société étrangère devront être faits et servis au gérant à son adresse, et seront censés faits et servis à la société.

8. La Cour Royale siégeant en Chefs-Plaids est autorisée à passer telles Ordonnances qu'elle trouvera convenables pour la mise à exécution de la présente Loi.

*BRITISH ORDER IN COUNCIL, applying Section 20 of
"The Finance Act, 1894," to New South Wales.—London,
May 29, 1905.*

At the Court at Buckingham Palace, the 29th day of May, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Sir W. H. Walrond.

Lord Steward.

Sir A. Nicolson.

Mr. C. B. Stuart-Wortley.

Sir W. E. Goschen.

WHEREAS by section 20 (3) of "The Finance Act, 1894,"* it is enacted that His Majesty the King may, by Order in Council, apply that section to any British possession where His Majesty is satisfied that, by the law of such possession, either no duty is leviable in respect of property situate in the United Kingdom when passing on death, or that the law of such possession as respects any duty so leviable is to the like effect as the foregoing provisions of that section;

And whereas His Majesty is satisfied that the law of the State of New South Wales in the Commonwealth of Australia, as respects the duty leviable in respect of property situate in the United Kingdom when passing on death is to the like effect as the provision of sub-section (1) of the aforesaid section:

Now, therefore, His Majesty, by virtue and in exercise of the power by the aforesaid Act in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the 20th section of "The Finance Act, 1894," shall apply to the State of New South Wales in the Commonwealth of Australia.

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, giving effect to the Supplementary Extradition Convention between Great Britain and Switzerland of the 29th June, 1904.—London, May 29, 1905.**

At the Court at Buckingham Palace, the 29th day of May, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Sir W. H. Walrond.

Lord Steward.

Sir A. Nicolson.

Mr. C. B. Stuart-Wortley.

Sir W. E. Goschen.

WHEREAS by the Extradition Acts, 1870 to 1895, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient;

And whereas a Treaty was concluded on the 26th day of November, 1880,† between Her late Majesty Queen Victoria and the Swiss Federal Council for the mutual extradition of fugitive criminals, in the case of which Treaty the Extradition Acts of 1870 and 1873 were applied by Order in Council of the 18th May, 1881;

And whereas a Supplementary Convention was concluded on the 29th day of June, 1904, between His Majesty and the Federal Council of the Swiss Confederation, amending Article XVIII of the said Treaty of the 26th November, 1880, for the mutual extradition of fugitive criminals, which Supplementary Convention is in the terms following:—

[See Vol. XCVII, page 92.]

And whereas the ratifications of the said Supplementary Convention were exchanged at London on the 29th day of March, 1905:

Now, therefore, His Majesty, by and with the advice of his Privy Council, and in virtue of the authority committed to him by the said recited Acts, doth order, and it is hereby ordered, that from

* "London Gazette," May 30, 1905.

† Vol. LXXI, page 54.

and after the 9th day of June, 1905, the said Acts shall apply in the case of Switzerland, under and in accordance with the said Treaty, as amended by the said Supplementary Convention above set forth :

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, applying "The Colonial Prisoners Removal Act, 1884," to the East Africa Protectorate.—London, July 11, 1905.**

At the Court at Buckingham Palace, the 11th day of July, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Lord Tennyson.

Earl of Kintore.

Colonel Saunderson.

Earl of Mansfield.

Mr. Ailwyn Fellowes.

Lord Rayleigh.

Sir Robert Finlay.

WHEREAS His Majesty the King has power and jurisdiction within the limits of East Africa as defined by "The East Africa Order in Council, 1902,"† and therein referred to as "East Africa:"

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Colonial Prisoners Removal Act, 1884,"‡ or otherwise in him vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows :—

1. "The Colonial Prisoners Removal Act, 1884," shall apply to and take effect within East Africa as defined by the said Order in Council as if that place were a British possession and part of His Majesty's dominions.

2. In order to carry out the application of the said Act to East Africa the Commissioner, or any person or persons lawfully discharging the functions of Commissioner, may exercise all powers vested by the said Act in the Governor of a British possession.

A. W. FITZROY.

* "London Gazette," July 11, 1905.

† Vol. XCV, page 625.

‡ Vol. LXXV, page 1095.

BRITISH ORDER IN COUNCIL, amending "The Ottoman Order in Council, 1899" (Crown Prosecutor in Egypt, &c.).
*—London, August 7, 1905.**

At the Court at St. James's, the 7th day of August, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, His Majesty the King has jurisdiction within the dominions of the Ottoman Porte;

And whereas it is expedient to amend "The Ottoman Order in Council, 1899,"† (hereinafter referred to as "the Principal Order"):

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890,"‡ or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. Article 49 of the Principal Order is hereby repealed, and the following provisions are substituted in lieu thereof, that is to say:

"Subject to Rules of Court made under this Order, the Court may, out of any moneys in its hands arising from fees of Court or other fees, or moneys received under the Principal Order, or this Order, order payment of allowances in respect of their reasonable expenses to any complainant or witnesses attending before the Court on the trial of any criminal case with a jury or assessors (including the preliminary examination of the accused antecedent thereto), and also fees and costs to legal practitioners and allowances to jurors, assessors, interpreters, practitioners, and other persons in respect of services rendered in criminal cases.

"Subject as aforesaid, where on the conclusion of a preliminary examination the accused is discharged, the Court may, for special reasons to be recorded in the Minutes, order payment of the like allowances as are above mentioned to any complainant or witnesses attending before the Court at the preliminary examination."

2. Article 136 of the Principal Order shall extend to authorize the Supreme Court by Rules of Court to prescribe a scale of allowances for the purposes of Article 1 of this Order.

3. Article 136 of the Principal Order shall further extend to authorize the Supreme Court by Rules of Court to prescribe the fees

* "London Gazette," August 11, 1905.

† Vol. XCI, page 1045.

‡ Vol. LXXXII, page 656.

to be taken in respect of proceedings in or by any Consular Court in relation to cases in Ottoman Tribunals to which any British subject may be a party.

4. The powers of the Ambassador under Article 163 of the Principal Order shall, with respect to King's Regulations, in so far as they extend to Egypt, be exercised by the Agent for Egypt.

5. The Secretary of State may from time to time appoint a competent person to act as Crown Prosecutor in Egypt, on such terms of remuneration as may be approved by the Treasury.

6.—(i.) The Crown Prosecutor shall have such powers and shall perform such duties with respect to the commencement and prosecution of criminal proceedings, including preliminary examinations and trials, and also the framing and alteration (before trial) of charges, as may be prescribed by Rules of Court.

(ii.) Except so far as the Crown Prosecutor, under Rules of Court, may be required to intervene, or may exercise any discretionary power of intervention, in any criminal proceedings this Article shall not affect the duties or powers of a private prosecutor.

(iii.) Subject to Rules of Court, the Crown Prosecutor shall act in accordance with any instructions of the Secretary of State.

7. Article 115 of the Principal Order is hereby repealed, and the following provisions are substituted in lieu thereof, that is to say:

“If any person named executor in a will takes possession of, and administers or otherwise deals with any part of the property of the deceased, and does not obtain probate within one month after the death or after the termination of any proceedings respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine not exceeding 100*l*.”

8. This Order may be cited as “The Ottoman Order in Council, 1905.”

And the Most Honourable the Marquess of Lansdowne, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, applying the Provisions of Section 103 of the Patents, &c., Act to the Colony of Ceylon.—London, August 7, 1905.**

At the Court of St. James's, the 7th day of August, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 103 of "The Patents, Designs, and Trade-marks Act, 1883,"† as amended by section 6 of "The Patents, Designs, and Trade-marks (Amendment) Act, 1885,"‡ it is enacted as follows:—

1. If His Majesty is pleased to make any arrangement with the Government or Governments of any foreign State or States for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such State shall be entitled to a patent for his invention or to registration of his design or trade-mark (as the case may be) under this Act in priority to other applicants, and such patent or registration shall have the same date as the date of the application in such foreign State:

Provided that his application is made in the case of a patent within seven months, and in the case of a design or trade-mark within four months from his applying for the protection in the foreign State with which the arrangement is in force:

Provided that nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his design or trade-mark in this country as the case may be.

2. The publication in the United Kingdom, or the Isle of Man, during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade-mark.

3. The application for the grant of a patent or the registration

* "London Gazette," August 8, 1905.

† Vol. LXXIV, page 211.

‡ Vol. LXXVI, page 498.

of a design, or the registration of a trade-mark under this section, must be made in the same manner as an ordinary application under this Act: Provided that, in the case of trade-marks, any trade-mark the registration of which has been duly applied for in the country of origin may be registered under this Act.

4. The provisions of this section shall apply only in the case of those foreign States with respect to which His Majesty shall from time to time by Order in Council declare them to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

And whereas by section 104 of the said first mentioned Act it is enacted as follows:—

(1.) Where it is made to appear to His Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country, it shall be lawful for His Majesty from time to time by Order in Council, to apply the provisions of the last preceding section with such variations or additions, if any, as to His Majesty in Council may seem fit, to such British possession.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order take effect as if its provisions had been contained in this Act; but it shall be lawful for His Majesty in Council to revoke any Order in Council made under this Act.

And whereas by section 1 of “The Patents Act, 1901,”* it is enacted as follows:—

1.—(1.) In the first proviso to sub-section 1 of section 103 of “The Patents, Designs, and Trade-marks Act, 1883” (which section relates to the time for making applications for protection under international arrangements) the words “twelve months” shall be substituted for the words “seven months.”

(2.) An application under that section shall be accompanied by a complete specification which, if it be not accepted within the period of twelve months shall, with the drawings (if any) be open to public inspection at the expiration of that period.

And whereas it has been made to appear to His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, that the Legislature of the British Possession of the Colony of Ceylon has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country:

Now, therefore, His Majesty, by and with the advice of his Privy Council, and by virtue of the authority committed to him

by the above enactments, doth declare, and it is hereby declared, as follows:—

1. The provisions of section 103 of “The Patents, Designs, and Trade-marks Act, 1883,” as amended by section 6 of “The Patents, Designs, and Trade-marks (Amendment) Act, 1885,” and by section 1 of “The Patents Act, 1901,” shall apply to the Colony of Ceylon.

2. This Order in Council shall take effect from the 10th day of June, 1905.

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, applying “The Colonial Probates Act, 1892,” to the Orange River Colony.—London, October 23, 1905.**

At the Court at Buckingham Palace, the 23rd day of October, 1905.

PRESENT: THE KING’S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the first section of “The Colonial Probates Act, 1892,”† it was enacted as follows:

“Her Majesty the Queen may, on being satisfied that the Legislature of any British possession has made adequate provision for the recognition in that possession of Probates and Letters of Administration granted by the Courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon while the Order is in force, this Act shall apply accordingly;”

And whereas His Majesty the King is satisfied that the Legislature of the British possession hereinafter mentioned has made adequate provision for the recognition in that possession of Probates and Letters of Administration granted by the Courts of the United Kingdom:

Now, therefore, His Majesty, by virtue and in exercise of the powers by the above recited Act in his Majesty vested, is pleased, by and with the advice of his Most Honourable Privy Council, to order, and it is hereby ordered, as follows:—

“The Colonial Probates Act, 1892,” shall apply to the British possession hereunder mentioned:

The Orange River Colony.

* “London Gazette,” October 24, 1905.

† Vol. LXXXIV page 700.

And the Right Honourable Alfred Lyttelton, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. FITZROY.

BRITISH ORDER IN COUNCIL, amending Article 10 of the Regulations scheduled to the Order in Council of the 11th August, 1884, as to the Prevention of Collisions at Sea.
—London, October 23, 1905.*

At the Court at Buckingham Palace, the 23rd day of October, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by section 418 of "The Merchant Shipping Act, 1894," His Majesty is empowered from time to time on the joint recommendation of the Admiralty and the Board of Trade by Order in Council to make regulations for preventing collisions at sea;

And whereas by an Order in Council dated the 11th day of August, 1884,† and expressed to be made in pursuance of "The Merchant Shipping Act Amendment Act, 1862,"‡ and on the joint recommendation of the Admiralty and the Board of Trade, Her late Majesty was pleased to direct that on and after the 1st day of September, 1884, the Regulations contained in the Schedule thereto (being Regulations for preventing collisions at sea and as to signals of distress) should be substituted for the regulations contained in the First Schedule to an Order in Council made under the same Act and on such joint recommendation as aforesaid and dated the 14th day of August, 1879;§

And whereas by an Order in Council dated the 30th day of December, 1884,|| and expressed to be made in pursuance of "The Merchant Shipping Act Amendment Act, 1862," and on the joint recommendation of the Admiralty and the Board of Trade, Her late Majesty was pleased to direct that on and after the 1st day of January, 1885, the Regulations contained in the Schedule to the said recited Order in Council of the 11th August, 1884, should, as regards British fishing-vessels and boats when in the sea off the coast of Europe lying north of Cape Finisterre, be modified and added to as

* "London Gazette," October 24, 1905.

† Vol. LXXV, page 579.

‡ Vol. LXVI, page 682.

§ Vol. LXX, page 307.

|| Vol. LXXV, page 588.

in the said Order and Schedule thereto were more particularly set forth;

And whereas by an Order in Council dated the 27th day of November, 1896,* and expressed to be made in pursuance of "The Merchant Shipping Act, 1894,"† and on the joint recommendation of the Admiralty and the Board of Trade, Her late Majesty was pleased to direct that on and after the 1st day of July, 1897, the Regulations for preventing collisions at sea contained in the Schedule to the said Order in Council dated the 11th day of August, 1884, except the Article numbered 10 in such Regulations, should be annulled, and the Regulations for preventing collisions at sea, contained in Schedule I thereto, should be substituted therefor (with the exception aforesaid) and come into operation as regards British ships and boats;

And whereas by Article 10 of the Regulations contained in the Schedule to the said Order in Council dated the 11th day of August, 1884, it was provided, amongst other things, as follows:

(g.) In fog, mist, or falling snow, a drift-net vessel attached to her nets, and a vessel when trawling, dredging, or fishing with any kind of drag net, and a vessel employed in line fishing with her lines out, shall at intervals of not more than two minutes make a blast with her fog horn and ring her bell alternately;

And whereas the Admiralty and the Board of Trade have in pursuance of the said recited Act jointly recommended to His Majesty that the above recited Article 10 should be amended in manner hereinafter appearing;

And whereas His Majesty was pleased, by and with the advice of his Privy Council, on the 7th day of August, 1905, to approve as a provisional Rule, within the meaning of "The Rules Publication Act, 1893," the amendment of the said Article 10, as from the date of the said Order of the 7th day of August, 1905;

And whereas the provisions of section 1 of "The Rules Publication Act, 1893," have been complied with:

Now, therefore, His Majesty, by virtue of the powers vested in him by the said Act, and by and with the advice of his Privy Council, is pleased to direct that the following provision, that is to say—

In fog, mist, falling snow, or heavy rain storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of 20 tons gross tonnage or upwards respectively, at intervals of not more than one minute make a blast: if steam-vessels, with the whistle or syren, and if sailing-vessels with the fog-horn; each blast to be followed by ringing the bell. Fishing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give

* Vol. LXXXVIII, page 191.

† Vol. LXXXVI, page 633.

the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute,—

Shall be substituted for paragraph (g) of Article 10 of the Regulations scheduled to the said Order in Council, dated the 11th day of August, 1884, and that the said Article 10 shall be read and construed accordingly.

A. W. FITZROY.

BRITISH ORDER IN COUNCIL, substituting British for Dollar Currency in "The Brunei Order in Council, 1901."
—London, December 11, 1905.*

At the Court at Buckingham Palace, the 11th day of December, 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearn.

Lord Chancellor.	Sir Edward Carson.
Mr. A. J. Balfour.	Sir Alfred Wills.
Lord President.	Mr. J. S. Sandars.
Marquess of Lansdowne.	Mr. Victor Cavendish.
Mr. Secretary Akers-Douglas.	Sir Charles Dalrymple.
Mr. John Atkinson.	Lieutenant-Colonel Mark Lockwood.

WHEREAS by "The Brunei Order in Council, 1901"† (hereinafter referred to as "the Principal Order"), certain fines, penalties, and other sums of money are stated in terms of dollar currency, and it is expedient that the same should be stated in terms of British currency, provision being made for payments in dollars at temporary rates of exchange, and that those rates of exchange should apply to the ascertainment of value in cases where any value is required to be reckoned in terms of British currency:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Act, 1890,"‡ or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered as follows:—

1. The Principal Order shall be amended as follows:

5*l*. shall be substituted for 50 dollars in Articles 11, 16, 25, and 89;

* "London Gazette," December 15, 1905.

† Vol. XCIV, page 140.

‡ Vol. LXXXII, page 656.

20*l.* shall be substituted for 200 dollars in Articles 64 and 86;
 50*l.* shall be substituted for 500 dollars in Articles 38, 41, 66, 68,
 69, and 89;

200*l.* shall be substituted for 2,000 dollars in Article 69;

500*l.* shall be substituted for 5,000 dollars in Article 37.

2. All fees, fines, penalties, and other sums of money which, under the provisions of the Principal Order as amended by this Order, or of any other Order or any rules or regulations, are stated or imposed in terms of British currency shall, if not paid in British gold, be paid at the rate of 10 dollars to the pound sterling, or at such other rate as may be from time to time fixed by the Lords Commissioners of His Majesty's Treasury.

The rate of exchange for the time being in force under this Article shall apply to the ascertainment of any value for the purposes of any limitation, security, or qualification in any case where, under the Principal Order (as amended by this Order), or any other Order, or any rules or regulations, such value is required to be reckoned in terms of British currency.

3. This Order shall take effect on such day not less than one month, nor more than two months, after it is first publicly exhibited at Brunei, as the Council shall appoint.

4. This Order may be cited as "The Brunei Order in Council, 1905."

A. W. FITZROY.

*BRITISH ORDER IN COUNCIL, applying to Japan the
 Second Part of "The Medical Act, 1886." -- London,
 December 11, 1905.**

At the Court at Buckingham Palace, the 11th day of December,
 1905.

PRESENT: THE KING'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of Connaught and Strathearn.

Lord Chancellor.

Sir Edward Carson.

Mr. A. J. Balfour.

Sir Alfred Wills.

Lord President.

Mr. J. S. Sandars.

Marquess of Lansdowne.

Mr. Victor Cavendish.

Mr. Secretary Akers-Douglas.

Sir Charles Dalrymple.

Mr. John Atkinson.

Lieutenant-Colonel Mark Lockwood.

WHEREAS by "The Medical Act, 1886,"† it is provided (amongst other things) that His Majesty may from time to time, by Order in

* "London Gazette," December 15, 1905.

† 49 & 50 Vict., cap. 48.

Council, declare that the Second Part of the said Act shall be deemed, on and after a day to be named in such Order, to apply to any foreign country which in His Majesty's opinion affords to the medical practitioners of the United Kingdom such privileges of practising in the said foreign country as to His Majesty may seem just, and from and after the day named in such Order in Council such foreign country shall be deemed to be a foreign country to which the said Act applies, within the meaning of the Second Part thereof, and that until such Order in Council has been made in respect of any foreign country the said Second Part of the said Act shall not be deemed to apply to any such country ;

And whereas the Empire of Japan affords, in His Majesty's opinion, to the registered medical practitioners of the United Kingdom such privileges of practising in Japan as to His Majesty seems just :

Now, therefore, His Majesty doth hereby, by and with the advice of his Privy Council, order, direct, and declare that the Second Part of "The Medical Act, 1886," shall be deemed to apply to the Empire of Japan.

A. W. FITZROY.

ACT of the Government of Natal, to make better Provision with regard to the Naturalization of Aliens.

[No. 18.]

[1905.]

HENRY MCCALLUM, *Governor*.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Law No. 23, 1874,* intituled Law "To repeal and re-enact with amendments Law No. 8, 1874,† 'For further facilitating the Naturalization of Persons of European Birth or Descent'" is hereby repealed.

2.—(1.) An alien of European birth or descent who has been in the service of the Crown, or who within such limited time before making the application hereinafter mentioned as may be prescribed by the Governor, either by general order or on any special occasion,

(a.) Has resided in Natal for a term of not less than five years ;

or,

(b.) Who having resided in Natal for a term of one year imme-

* Vol. LXXVI, page 95.

† Vol. LXV, page 1234.

diately before making the application hereinafter mentioned, has also resided in any part of His Majesty's dominions for such period as together with the period of one year aforesaid, will make up five years in all;

and who intends when naturalized to reside or to serve under the Crown in Natal, may apply for a certificate of naturalization in the form prescribed in the First Schedule of this Act.

(2.) The applicant shall produce in support of his application a certificate signed by some Magistrate or Justice of the Peace to the effect that the applicant is known to the person so signing, and that to the best of such person's belief and knowledge the applicant is a person of good repute; and shall give such further evidence of the completion by him of the said term of service or of residence, and of his intention to reside or to serve under the Crown in Natal as the Governor may require; and shall furnish proof that notice of his intention to apply for a certificate of naturalization has been published in two issues of the "Government Gazette."

(3.) The Governor, if satisfied with the evidence, shall take the applicant's case into consideration, and may with or without assigning any reason, grant or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.

(4.) No such certificate shall have any effect until the applicant has made and subscribed to the declaration of allegiance in the form prescribed in the Second Schedule hereto.

3. If the Governor thinks fit to grant such certificate of naturalization, he shall direct the applicant to make and subscribe the declaration of allegiance in the form prescribed in the Second Schedule of this Act before some Magistrate or Justice of the Peace; and upon the certificate of such Magistrate or Justice of the Peace that the applicant has made and subscribed before him the said declaration, he shall cause to be issued to the applicant a certificate of naturalization in the form prescribed by the Governor.

4. Every person to whom a certificate of naturalization under this Act is granted shall, except as otherwise provided by law, be entitled to all the rights, powers, and privileges, and be subject to all obligations to which a natural born British subject is entitled or subject in this Colony.

5. Any person who shall have been granted a certificate of naturalization in the United Kingdom under section 7 of "The Naturalization Act, 1870," of the Imperial Parliament, or who shall have been granted a certificate of readmission to British nationality under section 8 of the said Act, and shall not subsequently have divested himself of his status as a British subject, shall, subject to any existing or future laws of this Colony, be entitled in this Colony

to all the rights, powers, and privileges, and be subject to all the obligations to which he would be entitled and subject if he had been granted a certificate of naturalization under the provisions of this Act.

6.—(1.) Every married woman shall in this Colony be deemed to be a subject of the State of which her husband is for the time being a subject.

(2.) Where the father or the mother (being a widow) shall be or become naturalized under this Act, any child of such father or mother who, while under age shall be or become resident with such father or mother in this Colony, shall be deemed and taken to be naturalized under this Act.

7. A return of all persons to whom certificates of naturalization shall have been granted under this Act during the preceding half year shall be published in the "Government Gazette" in the months of January and July, and such return shall show in respect of each person—

(1.) Name in full.

(2.) Birthplace.

(3.) Nationality prior to grant of certificate.

(4.) Occupation.

(5.) Period of service under the Crown, or of residence in Natal.

(6.) Date of issue of certificate.

8. If any person shall knowingly make any false statement in any application made under this Act for the purpose of obtaining a certificate of naturalization, he shall upon conviction incur the same penalties as are by law provided against persons convicted of perjury; and in case a certificate of naturalization shall have been granted, such certificate may be revoked by notice in the "Government Gazette," and from the date of such notice shall be deemed to be void.

9. Every person obtaining a certificate of naturalization under this Act shall pay for the same a fee of 1*l.* to be denoted by revenue stamps to be affixed to such certificate and cancelled by the officer issuing it.

10. The Colonial Secretary shall cause a register to be made and kept of all certificates of naturalization granted under this Act, and shall upon the application, in writing, of any person, and upon payment of a fee of 5*s.* to be denoted by revenue stamps affixed to the application and cancelled by the officer receiving it, permit a search to be made for the name of any person upon or supposed to be upon the register.

11. A certificate under the hand of the Colonial Secretary attesting the fact of the issue of a certificate of naturalization to any

person whose name appears upon the said register, shall be issued upon payment of a fee of 5s. to be denoted by revenue stamps affixed to the certificate and cancelled by the officer issuing it. Every such certificate shall be received as evidence of the facts therein stated.

12. Every certificate granted under this Act shall be admissible in evidence without proof of the signature or seal attesting the same, and shall be *prima facie* evidence of the person named therein being duly naturalized, and of the signature or seal attesting the same, and of the official character of the persons appearing to have signed the same.

13. This Act may be cited as "The Naturalization of Aliens Act, 1905."

SCHEDULE I.

Form of Application for Certificate of Naturalization.

To the Colonial Secretary of Natal.

I, *A. B.*, do hereby apply for a certificate of naturalization in the Colony of Natal, and I declare that the following statements are true and correct in every particular :—

1. Name of applicant in full.
 2. Married or single.
 3. Names and ages of children (if any).
 4. Present nationality, and whether acquired by birth or naturalization.
 5. If applicant has resided in British dominion other than Natal, state place or places and period or periods of such residence.
 6. Names and nationality of parents.
 7. Birthplace (state fully name of place and country).
 8. Age next birthday.
 9. Occupation.
 10. Place of residence in Natal.
 11. Period or periods during which, and place or places in which, applicant has resided in Natal, giving dates and addresses.
 12. Length of time during which applicant has been in service of Crown.
 13. Does the applicant, if naturalized, intend to reside in Natal?
- Declared at this day of , 190 .
- Before me

Signature of Applicant.

Magistrate or Justice of the Peace.

SCHEDULE II.

Declaration of Allegiance.

I, A. B., of _____, do sincerely promise that I will be faithful and bear true allegiance to His Majesty, King Edward VII, his heirs and successors, according to law.

Declared at this day of , 190
Before me

Signature of Applicant.

Justice of the Peace.

Given at Government House, Natal, this 6th day of July, 1905.

By command of his Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

ACCESSION of Ceylon to the Industrial Property Convention of 1883 and Additional Act of 1900; and Accession of New Zealand to the Additional Act of 1900.—June 10 and May 10, 1905.

No. 1.—M. Carlin to the Marquess of Lansdowne.—(Received May 16.)

*Légation de Suisse, Londres,
le 15 Mai, 1905.*

M. LE MARQUIS,

SUR l'ordre de mon Gouvernement, j'ai l'honneur de vous faire part qu'à la demande du Ministre de Sa Majesté Britannique à Berne, le Conseil Fédéral Suisse, en date du 10 de ce mois, a notifié aux Gouvernements membres de l'Union pour la Protection de la Propriété Industrielle—

1. Que la Colonie de la Nouvelle-Zélande, qui appartient à l'Union depuis l'année 1891, a adhéré à l'Acte Additionnel de Bruxelles du 14 Décembre, 1900.*

2. Que la Colonie de Ceylan a accédé à la Convention pour la Protection de la Propriété Industrielle du 20 Mars, 1883,† telle qu'elle a été modifiée par l'Acte Additionnel du 14 Décembre, 1900.

Aucune date spéciale n'ayant été indiquée pour l'entrée en vigueur de la Convention en ce qui concerne la Colonie de Ceylan, le Conseil Fédéral a fait remarquer, dans sa Circulaire aux États intéressés, qu'il y avait lieu d'appliquer les dispositions de l'Article XVI révisé de la dite Convention, aux termes duquel cette dernière produit ses effets un mois après la notification faite par le Gouvernement Suisse aux autres États Unionistes. Il en résulte que la Convention entrera en vigueur, en ce qui concerne Ceylan, le 10 Juin prochain.

En priant votre Seigneurie de vouloir bien consentir à me donner acte de la présente communication, je saisis, &c.,

The Marquess of Lansdowne.

CARLIN.

* Vol. XCII, page 807.

† Vol. LXXIV, page 44.

No. 2.—The Marquess of Lansdowne to M. Carlin.

SIR,

Foreign Office, June 8, 1905.

I HAVE the honour to acknowledge the receipt of your note of the 15th ultimo, informing me that, at the request of His Majesty's Minister at Berne, the Swiss Federal Council notified, on the 10th ultimo, to the Governments parties to the Union for the Protection of Industrial Property—

1. That the Colony of New Zealand, which has been a member of the Union since 1891, has adhered to the Additional Act signed at Brussels on the 14th December, 1900.

2. That the Colony of Ceylon has acceded to the Industrial Property Convention of the 20th March, 1883, as modified by the Additional Act of the 14th December, 1900.

You also acquaint me that, no special date having been fixed for the accession of Ceylon, the Swiss Federal Council have informed the States interested that, in accordance with Article XVI of the revised Convention, such accession will take effect one month after the notification made by the Swiss Government, and that consequently the Convention will come into force, so far as regards Ceylon, on the 10th instant.

In taking note of this communication, I have, &c.,
M. Carlin.

LANSDOWNE.

*PROCLAMATION by the Governor-General of the Soudan, respecting Customs Duties on Imports from Uganda, the Congo Free State, and the French Congo.**

HIS Excellency the Governor-General has been pleased to order and proclaim that, until further notice, there shall be extended to goods coming from the Uganda Protectorate the same privileges in respect of custom duties and royalties as are granted to the Italian Colony of Erythræa.

Such privileges are as follows :—

1. No other or higher duties will be imposed than those which are payable for the time being under the Egyptian Tariff on the importation into Egypt of the like goods coming from any third country which is the most favoured in this respect; but in the case of natural products which the Soudan custom-house is satisfied are the products of Uganda and intended for consumption in the Soudan the duties will not exceed 5 per cent.

Such goods, however, will be charged if they enter Egypt with

* "Soudan Gazette," April 1, 1904.

the difference between the duty here specified and the duty imposed by the Egyptian Tariff.

2. Tobacco in all its forms coming from Uganda may be imported into the Soudan under the same conditions as are applicable from time to time to tobacco imported into Egypt.

3. No arms or ammunition shall be imported from Uganda into the Soudan, but this shall not extend to prevent persons of European nationality bringing from Uganda into the Soudan such arms or ammunition as such persons are allowed to carry in the Soudan for their personal use, subject to the payment of any licence fees that are payable for the same.

4. Gum, india-rubber, gutta-percha, ivory, rhinoceros horn, ostrich feathers, or other articles upon which a royalty is imposed in the Soudan will, when imported from Uganda, pay customs dues; and further, if and so long as the royalty is greater than the customs dues, they shall pay as royalty the difference between the said royalty and the customs dues.

5. Upon goods coming from Uganda and passing through the Soudan and Egypt, or out through a Soudanese port, a drawback will be allowed equal in amount to the whole of the duty or royalty paid, on condition that the goods be duly sealed and accompanied by a certificate of origin delivered by a competent authority.

The drawback will not be paid until the production of a certificate from a competent authority at the port of export that the goods have been exported and the date of such export, and it will not be paid in respect of any goods unless exported within six months of their arrival in the Soudan.

6. The Soudan Government will make its own valuations on imported goods on the basis of their value at the place of import, which valuations will be revised at intervals.

Goods coming from the Congo Free State and the French Congo will be given the above privileges also until further notice.

*PROCLAMATION by the Governor-General of the Soudan, respecting Permits to Trade in Bahr-el-Ghazal, Upper Nile Province, and Western Kordofan.**

WHEREAS trading in ivory has hitherto been prohibited in the Bahr-el-Ghazal and Upper Nile Provinces, and it is desired to permit the same subject to the conditions hereinafter mentioned;

And whereas it is desired to modify and republish the conditions

* "Soudan Gazette," July 1, 1904.

under which persons other than natives of the said provinces or of that part of Kordofan west of Nahud are permitted to enter and trade in the said provinces and districts :

It is hereby proclaimed and ordered as follows :—

1. The Notice as to Government Monopolies and Trade published in the "*Soudan Gazette*," No. 47, of the 1st May, 1903, page 60,* is hereby cancelled.

2. No person not being a native of the Bahr-el-Ghazal Province or the Upper Nile Province, or of that part of the Kordofan Province west of Nahud, may trade in the Bahr-el-Ghazal or that part of the Upper Nile Province which lies south of Kodok, or that part of the Kordofan Province which lies west of Nahud, unless he holds a permit authorizing him to do so.

3. Permits to trade in the Bahr-el-Ghazal and the Upper Nile Province south of Kodok will be issued by the Secretary-General, or the Governor of the Upper Nile Province after reference to the Secretary-General, and will bear a date not earlier than the 1st November next. They may be renewed for one year by the Governor of the Upper Nile Province or the Governor of the Bahr-el-Ghazal. Permits to trade in Kordofan west of Nahud will be issued and renewed by the Governor of Kordofan or any officer deputed by him.

The issue or renewal of any such permits may be refused without reason assigned.

4. A permit issued under this Proclamation will run for one year from the date of issue.

5. If the holder of a permit desires to act through an agent, the agent must be approved by the Secretary-General or the Governor of the province in which the agent is trading, and his name written in the permit as agent to the permit-holder, and any change of agent must be approved by the same authorities. A separate permit must be taken out for each agent.

6. Any person applying for a permit may be required, previously to the issue of the same, to enter into a bond, with or without sureties, in a penalty of not more than £ E. 50, for the observance of the provisions of his permit.

7. Each of the said permits authorizes its holder to trade in any articles or goods except india-rubber, gutta-percha, alcoholic liquors, fire-arms, ammunition, explosives, cow-elephant ivory, elephant tusks under 10 lb. in weight, and any other thing which is declared contraband or the trade in which is forbidden by law.

8.—(1.) It is forbidden to purchase or trade in india-rubber or gutta-percha.

* See Vol. XCVI, page 1300.

(2.) It is forbidden to sell or give fire-arms, ammunition, or explosives to natives; and holders of permits will only be allowed to take with them such fire-arms and such a limited amount of ammunition, to be noted on their permits, as may be considered necessary for their personal protection, and for these the usual licence must be obtained.

(3.) It is forbidden to shoot animals or birds protected by the "Preservation of Wild Animals Ordinance, 1903," without a licence. Holders of trading permits may be granted a licence "B," but not a licence "A."

(4.) It is forbidden to sell or give alcoholic liquors to natives, and holders of permits will only be allowed to take with them sufficient for their own consumption, and for this a pass must be obtained from the Secretary-General or the Governor of the province in which they are trading.

9. The above-mentioned provinces and districts having been only recently occupied, the Government cannot accept responsibility for the safety of permit-holders, their servants or goods.

10. The Governor may declare any district closed to trade, and holders of permits must not enter any district so closed, and any holders of a permit within the district must within one month of receiving notice that the district has been closed leave the district.

11. If in the opinion of the Governor, or an inspector, or an officer in command of a post the presence of a particular permit-holder is not desirable in any district, he may order him to leave the same, and the permit-holder must comply with such order, and shall have no right of compensation on account of such order.

12. The said provinces and districts being subject to martial law, permit-holders must comply with the regulations and orders issued by the military authorities.

13. On arrival at Government posts, holders of permits must get them countersigned by the officer in charge of the post. No trade must be commenced before this has been done.

14. All articles liable to royalty must be brought into a Government station and registered before leaving the province.

15. Contravention of the terms of the permit will render the permit-holder liable to confiscation of the goods in his possession and cancellation of the permit and expulsion, without rendering the Government or its Agents in any way liable, in addition to any penalties which he may have incurred under any Ordinance.

*PROCLAMATION by the Governor-General of the Soudan, respecting the Importation of, and Dealing in, Ammunition and Explosives.**

WHEREAS by "The Contraband Goods Ordinance, 1901,"† it is enacted that the importation of ammunition, gunpowder, explosives, and materials for the manufacture of explosives is prohibited except under a Government permit, and that the possession by a person of any of the said articles shall be considered as proof of his having assisted in its introduction, unless he can show that he obtained the same lawfully without knowing that the same was contraband :

It is hereby proclaimed and ordered as follows :—

1. Permits for the importation of ammunition, gunpowder, explosives, and materials for the manufacture of the same will be issued only by the Agent-General, Soudan Government, Cairo, to whom all applications must be made.

2. Applications for permits must state the nature and quality of the explosive which it is desired to import, and the person or company on whose behalf the application is made.

3. Every such permit shall be personal, and the explosives imported under it must not be transferred to any person not named in the permit except with the consent of the Agent-General.

4. Holders of fire-arm licences and persons authorized to carry fire-arms without a licence may without a special permit import into the Soudan ammunition for their private use made up into cartridges and suitable for the fire-arms which they are authorized to carry.

5. No private person shall, except with the written consent of the Agent-General or a Governor of a province, transfer, whether by way of gift, sale, exchange, or otherwise, any ammunition to any other private person, unless such person shall be the holder of a licence or otherwise authorized to carry a fire-arm to which such ammunition is suited.

GERMAN LAW respecting the Commercial Relations with the British Empire.‡—Berlin, December 20, 1905.

(Translation.)

WE, William, by the grace of God German Emperor, King of Prussia, &c., decree in the name of the Empire, with the assent of

* "Soudan Gazette," July 1, 1904.

† Vol. XCVI, page 1286.

‡ "Reichs Anzeiger," No. 301, December 22, 1905.

the Federal Council and the Imperial Diet, for the period after the 31st December, 1905, as follows:—

The Federal Council is empowered to grant to the subjects and products of the United Kingdom of Great Britain and Ireland, as also to the subjects and products of British Colonies and foreign possessions, until the 31st December, 1907, the same advantages as are accorded by the Empire to the subjects and products of the most-favoured nation.

This Law shall come into force on the 1st January, 1906.

Given under our Imperial hand and Seal.

Berlin, December 20, 1905.

(L.S.) WILHELM.

(L.S.) COUNT VON POSADOWSKY.

GERMAN NOTICE respecting the Commercial Relations with the British Empire.—Berlin, December 22, 1905.

(Translation.)

BY virtue of the Law, dated the 20th December, 1905,* concerning the commercial relations with the British Empire, the Bundesrath has decided to prolong the period of validity of the Notice of the 11th June, 1901,† and of the conditions contained therein, after the 31st December, 1905, until further notice.

Berlin, December 22, 1905.

RAPPORT sur les Travaux du Bureau International Maritime de Zanzibar pendant l'Année 1904.—Zanzibar, le 31 Décembre, 1904.

COMME par le passé, cinq Puissances Signataires, l'Allemagne, la France, la Grande-Bretagne, l'Italie, et le Portugal, ont été représentées au Bureau pendant l'année 1904.

Dans la première séance, le Bureau a procédé, suivant l'usage, aux élections annuelles. M. Ottavi, Délégué Français, a été nommé Président, et le Comte de Hardenberg Vice-Président, fonctions qu'il a remplies jusqu'à son départ en Juin. A cette époque il fut remplacé par M. Rössler, qui lui-même partit en Août. La Vice-Présidence échet alors au Baron Ostman von der Leye.

M. Ottavi a occupé le fauteuil de la présidence pendant toute l'année.

Les fonctions de Secrétaire ont été remplies pendant toute l'année par M. Venables, Vice-Consul Britannique.

Les dépenses pour l'année 1903 ont été approuvées par le Bureau dans sa première séance. Elles se sont réparties de la façon suivante :—

ÉTAT Récapitulatif des Dépenses Générales pour l'Année 1903.

Objet de la Dépense.			Observations.
	Rs.	a.	
Appointements du Secrétaire	2,400	0	
„ du Commis-Archiviste	1,800	0	
Salaires des garçons de bureau	360	0	
Gratifications aux garçons de bureau ..	32	0	L'année 1903 s'est trouvée comprendre deux Baïrams, en Janvier et en Décembre.
Loyer de l'immeuble du 1 ^{er} Janvier au 31 Décembre, à 110 roupies par mois	1,320	0	
Frais divers : papeterie, pétrole, &c. ..	118	0	
Affranchissement de la correspondance ..	8	14	
Total	6,038	14	

Pour l'année 1904 aucun jugement relatif à la Traite ni pour crimes commis contre la liberté d'indigènes n'a été déposé aux archives du Bureau. De fait, aucune communication importante n'a été faite au Bureau, dont les travaux se sont bornés à l'enregistrement des titres de navigation conformément à l'Article XLI.*

Il a été accordé en 1904 :

171 nouvelles autorisations d'arborer le pavillon de Son Altesse le Sultan.

87	„	„	„	Anglais.
2	„	„	„	Allemand.

Ont été opérés :

3 transferts du pavillon Anglais au pavillon de Son Altesse le Sultan.

2	„	„	„	Allemand.
1	„	„	Cutch	Français.
3	„	„	Allemand	de Son Altesse le Sultan.
3	„	„	„	Anglais.

Zanzibar, le 31 Décembre, 1904.

A. CAVENDISH VENABLES, *Secrétaire.*

Vu et approuvé :

M. OSTMAN, *Président.*

*RULES OF COURT for His Majesty's Courts in China and
Corea, framed under "The China and Corea Order in Council,
1904."*—1905.*

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CHINA AND COREA ORDER IN COUNCIL, 1904.

RULES OF COURT.

PART I.—GENERAL.

Interpretation.

1. THE interpretations contained in Article 3 of the principal Order shall apply to these Rules, with the following additions:—

“Clear days” shall mean that in all cases in which any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively both of the first and the last days.

“Marshal” means any officer of the Court discharging for the time being the duties of that office.

“Matter” means every proceeding commenced otherwise than by writ of summons, and whether in an action or not.

“Official seal” means a seal authorized to be used in the particular Court or by the particular officer.

“Ordinary summons” means a summons which is not required by Statute to be served personally.

“Party” means party to any action or matter, or a person served with a notice of or in any action or matter, and shall include body politic or corporate.

“Principal Order” means “The China and Corea Order in Council, 1904.”

“Proper officer” means such officer as may from time to time be directed by the Court to discharge any duty.

“Registrar” includes any officer discharging for the time being the duties of Registrar.

“Resident” means having a fixed place of abode in China or Corea.

“Return day” means the day appointed in any summons for the appearance of the defendant, or any other day fixed for the trial of any action or matter.

“Statute” includes Imperial Act and Order in Council applicable to China or Corea, as the case may be.

“Trial” means any trial of the action, or the hearing of any matter before the Court.

Any references to “these Rules” shall include a reference to any Rules of Court made in addition to these or in substitution for any of them.

Application.

2. The Rules in this Part, unless where otherwise expressly provided, apply to all proceedings, whether civil or criminal.

Computation of Time.

3. Where by the principal Order or these Rules any limited time from or after any date or event is appointed or allowed for the doing of any act, or the taking of any proceeding, and the time is not limited by hours, the following Rules shall apply :—

(i.) The limited time does not include the day of the date or of the happening of the event, but commences at the beginning of the day next following that day ;

(ii.) The act or proceeding must be done or taken at latest on the last day of the limited time ;

(iii.) Where the limited time is less than six days, the following days shall not be reckoned as part of the time, namely, Sunday, Good Friday, Monday and Tuesday in Easter week, Christmas Day, and the day next before and the day next after Christmas Day ;

(iv.) Where the time expires on one of those days, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of those days.

Sealing of Documents.

4.—(1.) Summonses, orders, and other documents issuing from the Supreme Court shall be sealed with the seal of that Court.

(2.) Those issuing from a Provincial Court shall be sealed with the official seal of that Court or of the Consular officer by whom they are issued.

*Evidence and Witnesses.**Oaths and Declarations.*

5.—(1.) All witnesses (except those objecting or incompetent to take an oath) shall be examined upon oath, which shall be administered by the Court in the following form :—

“The evidence you shall give touching this charge [or this case or the matter in question, or as the case may be] shall be the truth, the whole truth, and nothing but the truth.

“So help you God.”

(2.) If any witness shall object to take an oath, or shall be objected to as being incompetent to take an oath, the Court may administer a declaration in the following form :—

“I, A. B., solemnly promise and declare,” &c.

(3.) These forms may be varied in conformity with the religious belief of the witness into any form which he shall declare or admit to be binding on his conscience.

Examination of Witness.

6.—(1.) Every witness is first examined-in-chief by the party calling him, during which examination no leading questions are admissible. If, however, the witness appears to be hostile to the party who has called him, he may, by leave of the Court, be asked leading questions as in cross-examination.

(2.) After the conclusion of the examination-in-chief, the other side has a right to cross-examine the witness. In cross-examination leading questions may be asked.

(3.) After the cross-examination, the party who called the witness has the right to re-examine him if any new fact arises out of the cross-examination, or in explanation of any part of his cross-examination, but the re-examination must be strictly confined to matters arising out of the cross-examination.

(4.) After the re-examination no further questions shall be asked of any witness, except by leave of and through the Court; but the Court is at liberty, at any stage of the proceedings, to put all such questions to any witness as may be necessary, in order to elicit all the facts of the case.

Written Evidence, when to be read.

7. Written evidence, such as affidavits, depositions, and documents of any description may be read at any convenient time before the conclusion of the case of the party by whom it is produced.

Witnesses' Expenses.

8. In civil cases, when a person summoned as a witness appears in Court, the Court may order him to give evidence, although his expenses may not have been tendered or paid to him; but the Court may, if it thinks fit, order the proper allowances to be paid to any witness by the party calling him.

Deposition of Person dangerously ill.

9. When the Court is satisfied in a criminal case that some person dangerously ill and unlikely to recover is able and willing to give evidence, it shall cause reasonable notice in writing to be served upon the accused of its intention to take such person's statement,

in order that such accused (who, if in prison, is to be brought to the place), or his legal practitioner, may have full opportunity of attending and cross-examining; and shall, at the appointed time and place, take down the statement on oath of such sick person, and sign it, and add thereto by way of heading a statement of the reason for taking the deposition. Then, if at the trial of the offender or offence to which the statement relates, the deponent is proved to be dead, or that there is no reasonable probability of his ever being able to attend and give evidence, and that the defendant had notice and the opportunity of cross-examination, the statement may be read in evidence, either for or against the accused, without further proof.

Reading of Depositions.

10. When a witness has been examined and his deposition taken down and signed, as prescribed by these Rules, and it shall be proved upon the trial, by the oath of any credible witness, that such witness is dead, or out of the jurisdiction, or so ill as not to be able to travel, and if it also be proved that the deposition was taken in the presence of the accused, and that he or his legal practitioner had a full opportunity of cross-examining the witness, then if the deposition purport to be signed by the Court before which it was taken, it shall be lawful to read such deposition as evidence at the trial, without further proof, unless it shall be proved that the deposition was not in fact signed by the Court purporting to have signed the same.

Dying Declaration.

11. In any case in which a person is dying, in consequence of injuries received from another, he may make a declaration orally or in writing to any officer of the Court, surgeon, minister of religion, or other competent person, who may subsequently prove the declaration, which may then, in case of the death of the declarant, be used as evidence in any trial arising out of the injuries inflicted on him.

In order to render this declaration admissible, three material points must be insisted on, viz. :—

1. The inquiry must relate to the cause of the death of the declarant;

2. The circumstances leading to the death must be the subject of the declaration; and

3. At the time of making the declaration, the declarant must be perfectly aware of his danger, and entertain no hope of recovery.

Such a declaration is not to be on oath.

Evidence in Civil Case of Person dead or insane.

12. In a civil case, where a person whose evidence would have been admissible is dead or insane, or for any reason appearing sufficient to the Court, is not present to give evidence, the Court may, if it thinks fit, receive proof of any evidence given by him in any former judicial proceeding: Provided that the subject-matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose evidence proof is so to be given.

Statements of Accused.

13. In a criminal case, any statement made by the accused, at a preliminary examination, in answer to the questions put to him by the Court, as prescribed by these Rules, may be given in evidence against him at the trial; but nothing in these Rules shall prevent the prosecutor from giving in evidence at the trial any admission or confession, or other statement of the accused made at any time which would, by law, be admissible as evidence against him.

Evidence in Civil Cases before Trial.

14.—(1.) In a civil case, where the circumstances of the case appear to the Court so to require, for reasons recorded in the Minutes, the Court may, when an action is pending, take the evidence of any witness at any time as preparatory to the hearing, and the evidence so taken may be used at the hearing, subject to just exceptions.

(2.) Any Court or Consular officer shall, on the request in writing of any Court before which an action is pending, so take evidence for purposes of the action.

(3.) The evidence shall be taken in like manner, as nearly as may be, as evidence at the hearing of an action is to be taken, and then the note of the evidence shall be read over to the witness and tendered to him for signature, and if he refuses to sign it the Court or officer shall add a note of his refusal, and the evidence may be used as if he had signed it.

(4.) Evidence may be taken in like manner on the application of any person, although no action is pending, where it is proved that the person applying has good reason to apprehend that a proceeding will be taken against him in the Court, and that some person within the particular jurisdiction at the time of application can give

material evidence respecting the subject of the apprehended proceeding, but that he is about to leave the particular jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it is not at once taken.

Mode of drawing Affidavits.

15.—(1.) All affidavits are to be expressed in the first person, and drawn up in numbered paragraphs, and shall be entitled in the action or matter in which they are sworn.

(2.) All affidavits, other than those for which forms are given in the Second Schedule, are to state the deponent's age (if he is not of full age), his occupation, quality, and place of residence, and also what facts or circumstances deposed to are within the deponent's own knowledge, and what facts or circumstances deposed to are known to or believed by him, by reason of information derived from other sources than his own knowledge.

(3.) The costs of affidavits not in conformity with the last two preceding sections shall be disallowed on taxation, unless the Court shall otherwise direct.

Requirements of Affidavits.

16.—(1.) The officers before whom affidavits may be sworn are Judges of Courts, Consular officers, and the Registrar of the Supreme Court.

(2.) The affidavit, when sworn, shall be signed by the witness (or, if he cannot write, marked by him with his mark) in the presence of an officer authorized as aforesaid.

(3.) The jurat shall be written without interlineation, alteration, or erasure, immediately at the foot of the affidavit, and towards the left side of the paper, and shall be signed by the officer, and be sealed by him with the official seal.

(4.) The jurat shall state the date of the swearing, the place where it is sworn, and shall name or designate the officer before whom it is sworn.

(5.) Where the witness is blind or illiterate the jurat shall state that fact, and that the affidavit was read over to him in the presence of the officer, and that the witness appeared to understand it.

(6.) Where the witness makes a mark instead of signing, the jurat shall state that fact, and that the mark was made in the presence of the officer.

(7.) Where two or more persons join in making an affidavit, their several names shall be written in the jurat, and it shall appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the affidavit.

(8.) An affidavit shall not be admitted if it is proved that it has been sworn before a person on whose behalf it is offered, or before his legal practitioner, or before a partner or clerk of his legal practitioner.

(9.) An affidavit may be used, notwithstanding any defect in form, if it is proved that it has been sworn before a person duly authorized, and that the form thereof and that of the attestation thereto are in accordance with the law and custom of the place where it has been sworn.

(10.) A defective or erroneous affidavit may be amended and resworn, by leave of the Court in which it is to be used.

(11.) The Court may, if it thinks fit, for reasons recorded in the Minutes, admit an affidavit in evidence, although it is shown that the party against whom the affidavit is offered in evidence had no opportunity of cross-examining the person making the affidavit.

(12.) No affidavit or other document which is blotted so as to obliterate any words, and which is illegibly written or so altered as to cause it to be illegible, nor any affidavit in which there is any interlineation (unless the person before whom the same is sworn shall have duly initialled such interlineation), nor any affidavit in which there is a knife erasure (unless the person before whom such affidavit is sworn shall have rewritten and initialled in the margin the words or figures appearing to be written on the erasure), nor any affidavit or other document which is so imperfect upon the face or by reason of having blanks thereon that it cannot easily be read or understood, shall be filed or used in any action or proceeding, unless the Court shall otherwise order.

Alteration of Affidavit.

17.—(1.) The officer before whom an affidavit is sworn shall not allow an affidavit when sworn to be altered in any manner without being resworn.

(2.) If the jurat has been added and signed, he shall add a new jurat on the affidavit being resworn; and in the new jurat he shall mention the alteration.

(3.) He may refuse to allow the affidavit to be resworn, and may require a fresh affidavit.

Affidavits made out of the Jurisdiction and by Foreigners.

18. An affidavit sworn before a Consular officer of His Majesty authorized to take affidavits in any country, or before a Judge or other person in the United Kingdom or in a British possession

authorized to take affidavits, or before a Mayor or Magistrate in a foreign country authorized to administer an oath, or in the case of a foreigner in China or Corea before his own proper Consular authority, may be used in the Court, subject to the rules of evidence.

Rules for using Affidavits.

19.—(1). Before any affidavit is used it shall be filed in the office of the Registrar, but the Court may make an order in an urgent case, upon the undertaking of the applicant to file any affidavit sworn before the making of the order, provided that the order be not issued until after the affidavit has been filed.

(2.) The original affidavit or an office copy shall alone be recognized for any purpose in the Court.

Documentary Evidence.

20. In a civil case—

(1.) Every document offered as evidence, and not objected to, shall be put in and read, or taken as read by consent.

(2.) Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

Objections to Evidence.

21. All objections to the reception of evidence shall be made when the evidence is offered, and shall be argued and decided at the time, and the Court shall, unless it shall consider it to be frivolous, take a note of every objection and the decision thereon.

Witnesses may be kept out of Court.

22. In every case, the Court may order witnesses to be kept out of Court and out of hearing. This, however, does not apply to the parties in any case.

Validity in Evidence of Seals and Signatures.

23. Every signature or seal affixed to any instrument purporting to be the signature of the Judge of any Court, or of any Consular officer, or to be the seal of any of His Majesty's Courts in China or Corea, shall, without any proof thereof, be presumed to be genuine, and shall be taken as genuine until the contrary is proved.

Notes of Evidence.

24.—(1.) Notes of evidence should generally be taken by the Court in a narrative form ; but any question and answer may be set down at length if it appear necessary to do so.

(2.) No person is entitled as of right, at any time or for any purpose, to inspect or to take a copy of the notes of evidence of the Court ; but the Court may give permission for this to be done if it think fit.

*Cases reported or transferred to Supreme Court.**Documents to be transmitted.*

25. Where a civil case is reported or transferred to the Supreme Court the following documents, or certified copies thereof, are to be forwarded under cover to the Registrar of the Supreme Court :—

The summons.

Minutes of evidence (if any) taken by the Provincial Court.

Notes of any interlocutory proceedings, accompanied by a short statement under the hand of the Court of the reasons (if any) for which it is deemed necessary to report the case, and, if possible, a suggestion of the time when it may be most convenient for parties and witnesses to attend the Supreme Court.

*Juries and Assessors.**Jury Lists.*

26.—(1.) The jury list for each district shall be revised and settled in the month of January in each year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

(2.) The list, as settled, shall be brought into use in every year on the 1st February and shall be used as the jury list of the district for the twelve months then next ensuing.

(3.) The rate of gross income for a juror's qualification shall be 50*l.* per annum.

Number of Jury.

27. In trials for capital offences before the Supreme Court at Shanghae the jury shall consist of twelve jurors ; in all other cases, civil and criminal, five jurors.

Number of Jurors to be summoned.

28. When there is to be a hearing with a jury, the Court shall summon such number of persons comprised in the jury list, not less

than thirty if the trial is at Shanghae for a capital offence, not less than twelve in any other case as may seem requisite.

Juries in Civil Actions.

29.—(1.) The remuneration of each juryman in a civil action shall ordinarily be at the rate of 10s. for each day, but the Court, if it thinks that owing to the importance of the case or the length of time occupied at each sitting a larger sum ought to be paid, may order a sum not exceeding 1*l.* a-day to be paid to each juryman.

(2.) In a civil action to be tried before the Supreme Court a party demanding a jury shall, on filing the demand, deposit in Court for the first day's attendance of jurors such sum not exceeding 5*l.* as the Court may require, and in default thereof his demand shall have no effect.

(3.) If the Court of its own motion orders that an action be heard with a jury, the plaintiff shall make the deposit.

(4.) Where a trial with a jury is begun and adjourned, the party who has made the deposit shall, on each successive day of the trial, and before the trial is proceeded with, make a further deposit of 2*l.* 10s., or such larger sum, not exceeding 5*l.*, as the Court may require.

(5.) In default of any successive deposit being so made, the other party may make the deposit; but if neither party makes it, the trial may, if the Court thinks fit, be adjourned generally.

(6.) The costs of remuneration of jurors shall be costs in the cause.

Assessors.

30.—(1.) The Consular officer in each district shall, in the month of January in each year, make a list of the persons within his district qualified under the principal Order to be assessors, and shall be at liberty from time to time to add any name thereto, or to expunge any name therefrom.

(2.) When assessors are required the Court shall, from its list of assessors, select a sufficient number of competent persons, and shall give the selected persons notice in writing of their selection, and may, for cause appearing to be sufficient, excuse any person so selected, and select another person in his stead.

(3.) The names and addresses of the persons selected shall in civil cases be communicated to the parties three days, and, in a criminal case, to the accused one day, before the day fixed for the trial.

(4.) If either party or the accused object to an assessor so

selected by the Court, he shall forthwith signify his objection, with the grounds thereof, to the Court, and the Court, if it sustains the objection, shall select another duly qualified person to sit as assessor in place of the person objected to.

(5.) If any selected person dies or becomes unable to act, the Court shall select another duly qualified person.

(6.) The remuneration of an assessor for sitting in the Court shall be at the rate of 2*l.* a-day in civil cases, and 1*l.* a day in criminal cases. Where the sitting in a civil case does not exceed one hour, the Court may reduce the remuneration for such sitting to 1*l.* In civil cases the remuneration shall be costs in the cause.

Legal Practitioners.

Admission to practise.

31.—(1.) A person desiring to practise as a legal practitioner within the jurisdiction of the Supreme Court shall make a written application to that Court, stating his qualifications. The Supreme Court may require proof of the qualifications to be submitted, and may grant or refuse the application. The Supreme Court may at any time for good cause revoke any such grant.

(2.) A person admitted to practise in the Supreme Court may practise in any Provincial Court.

(3.) The Supreme Court may in its discretion in the case of any person who, at the coming into operation of these Rules, is enrolled as a practitioner in that Court, dispense with the application and proof of qualifications.

(4.) Foreign legal practitioners admitted to practise in a foreign Consular Court in China or Corea may be allowed to appear in any case before the Court, if the Court is satisfied that qualified British legal practitioners would be allowed in similar circumstances to appear before the foreign Court.

PART II.—CRIMINAL PROCEEDINGS.

Enforcing Appearance.

Complaint.

32.—(1.) A prosecution for an offence shall be commenced by a complaint (Form 1) made to the Court, or by the issue of process by the Court itself.

(2.) When a complaint is made, the Court shall at once examine the complainant on oath or not on oath as it thinks fit, and the

substance of the examination shall be reduced to writing, and be signed by the complainant and also by the Court.

Issue of Process.

33.—(1.) The appearance of a person accused of an offence is enforced by summons or warrant of arrest issued by the Court.

(2.) The Court before issuing a summons may, and before issuing a warrant of arrest must, require the complaint to be made on oath.

(3.) If the Court sees reason to distrust the truth of a complaint, it may, for reasons recorded in the Minutes, postpone the issue of process, and make such inquiry by itself or any officer of the Court as seems fit for the purpose of ascertaining the truth or falsehood of the complaint.

(4.) After examining the complainant, and considering the result of such inquiry (if any), the Court may, if in its judgment there is no sufficient ground for a prosecution, dismiss the complaint, recording its reasons in the Minutes.

Summons.

34.—(1.) A summons shall be under the hand and seal of the Court addressed to the accused (Form 2); it shall shortly set out the nature of the offence complained of, and require the accused to appear at a certain time and place before the Court to answer the same, and to be dealt with according to law.

(2.) No objection shall be allowed to any summons for any defect in substance or form, or for any variance therein with the evidence adduced in support thereof, unless the Court considers that the accused has been deceived or misled thereby, in which case it may adjourn the hearing on any terms it shall think fit.

Service of Summons.

35.—(1.) Every summons, notice, or other like document shall, unless the Court shall otherwise direct, be served by an officer of the Court, who shall deliver a copy to the person to whom it is directed, at the same time showing the original, or, if the person is not conveniently to be found, shall leave a copy at his usual place of abode, or at his place of business, with some person apparently not less than 15 years of age, who undertakes to deliver it to the person to whom it is addressed.

(2.) When the person to whom the document is directed is on board any vessel, such document may be delivered to any person on board who is apparently in charge of the vessel.

(3.) When such person is in prison, the document may be delivered to the head officer, or any one seeming to be head officer.

(4.) When such person is in a hospital or public asylum, the document may be delivered to the gate-keeper or lodge-keeper.

(5.) When such person keeps his house or place of business closed in order to prevent service, it is sufficient to affix the document to the door.

(6.) When such person, or another with him, uses violence or threats to prevent service, the document may be left as near to him as practicable.

(7.) Service on a company may be effected by delivering the document to a clerk or employé at the office of the company.

(8.) The person who serves any document shall indorse on the original the time, date, and manner of service before returning it to the Registrar.

Rules for Issue of Warrant.

36. When there is a complaint on oath the Court may issue a warrant to arrest the accused, and to bring him before the Court—

(a.) In the first instance without any previous summons;

(b.) At any time before or after the time mentioned in the summons for appearance;

(c.) If the accused does not appear according to the summons, and it appears to the satisfaction of the Court that the summons has been duly served, or that the accused is evading service (Forms 3 and 4).

Warrant of Arrest.

37.—(1.) Every warrant of arrest must be under the hand of a Judge or the Registrar, and under the seal of the Court, and directed to the person or persons who are to execute the same. It shall state shortly the matter on which it is founded, and name or otherwise describe the person against whom it is issued.

(2.) It shall order the person to whom it is directed to arrest the accused and bring him before the Court to answer the complaint, and be dealt with according to law.

(3.) Every warrant shall remain in force until it is executed. A warrant of the Supreme Court may be executed at any place within the limits of the principal Order. A warrant of a Provincial Court may be executed at any place within its jurisdiction, but in case of fresh pursuit may be executed at any place in another district; in cases other than that of fresh pursuit, the warrant must be indorsed by the Consular officer of the district in which it is executed, and on arrest the accused must be brought before the Court for that district, and that Court shall, on being satisfied that the prisoner

is the person named in the warrant, remand him to the issuing Court.

(4.) No objection shall be allowed to any warrant for any defect in substance or form, or for any variance therein with the evidence adduced in support of the charge, unless the Court considers that the accused has been deceived or misled thereby, in which case it may adjourn the hearing, and in the meantime commit the accused by warrant (Form 6) into such custody as it may think fit, or discharge him on his entering into a recognizance (Form 7), with or without sureties, to appear at the time and place to which the hearing is adjourned.

(5.) In all cases where an accused, having been discharged on recognizances, does not appear as aforesaid, the Court may, in addition to issuing a fresh warrant, certify the non-appearance on the back of the recognizance.

(6.) A warrant may be issued and executed as well upon Sundays or holidays as upon any other day, and at night as well as by day.

Non-appearance of Accused or Complainant at the Hearing.

38.—(1.) If at the trial for any offence punishable with fine, or where, if convicted, the accused may be ordered to pay money, or at any adjournment of such trial, the accused does not appear, the Court may either go on with the case in his absence (after being satisfied that the summons has been duly served), or may issue a warrant to compel his attendance in the manner above mentioned. But at the trial of every other offence, and at every preliminary examination, the accused must always be present (Form 3).

(2.) If in like case the complainant, after having received notice of the hearing, does not appear, either in person, or by a legal practitioner, and the accused does, the Court shall dismiss the case, unless for some reason it thinks fit to adjourn the hearing to another day upon such terms as it may think fit to impose; and may in either case, if it thinks proper, make an order against the complainant for the costs of the day and such reasonable expenses as the accused may have been put to. If the hearing is so adjourned, the Court may either let the accused go at large or remand him back to custody until the further day appointed for the hearing, or may discharge him on recognizances to appear on such day (Form 16, and Forms 6, 7, 8).

(3.) But if on the day appointed for the hearing both parties appear by themselves or by a legal practitioner, the Court shall proceed to hear and determine the case.

Compelling Appearance of Witness.

39.—(1.) Whenever it is made to appear to the Court that any one subject to the jurisdiction of the Court is likely to be able to give material evidence on either side, but will not voluntarily appear to be examined, the Court may issue a summons under its hand and seal requiring such person to appear at the hearing of the case for the purpose of giving evidence, or to bring with him and to produce for examination such accounts, papers, or documents as he may have in his power. If the person so summoned omits, without a valid excuse, to appear at the appointed time and place, and it is proved to the satisfaction of the Court that the summons was served upon him personally, or by leaving it with some person at his last or most usual place of abode, and that a reasonable sum was tendered him for his costs and expenses (if any), the Court may issue a warrant to bring such witness before the Court to give evidence (Forms 9 and 10).

(2.) When from any cause a summons cannot be served personally on a witness, a notice may be left with the summons to the effect that a sum sufficient for the reasonable expenses of the witness will be paid to him on application at an address to be set out in the notice, and such notice shall have all the effect of a tender.

(3.) Or if the Court is satisfied on oath that a person able to give evidence on either side will not appear, or will not bring with him any accounts, papers, or documents, unless compelled to do so, it may issue a warrant in the first instance (Form 11).

(4.) And if, on the appearance of a witness, whether in obedience to a summons or on a warrant, such witness shall, without just excuse, refuse to be examined or to take an oath or, having taken the oath, to reply to such questions as may be put to him, or shall neglect or refuse to produce any accounts, documents, and papers as aforesaid, the Court may adjourn the proceedings for any period not exceeding seven days, and may in the meantime by warrant commit the witness to prison, unless he shall sooner consent to be examined and to answer, or to produce such accounts, papers, or documents as aforesaid; and if upon the adjourned hearing he shall still refuse, the Court may again adjourn and commit the witness for a like period, and so again from time to time until he consent, provided that such imprisonment shall not exceed one month in the whole (Form 12).

(5.) But the Court may, notwithstanding, proceed with and dispose of the case, or send it for trial without the examination of the witness, if it has received sufficient evidence. But in such case, when the case is to be sent up to another Court, the name of

such witness, with particulars of his default, shall accompany the depositions.

Search Warrants.

40.—(1.) When any credible witnesses shall prove on oath before the Court a reasonable cause to suspect that any person subject to the provisions of the principal Order has in his possession or on his premises any property that has been stolen, or any property whatever on or with respect to which any offence punishable either upon indictment or upon summary conviction, shall have been committed, or upon a representation by any Chinese, Korean, or foreign Tribunal of competent jurisdiction in China or Corea, that a person accused of an offence of a non-political character is concealed on the premises of a person subject to the provisions of the principal Order, the Court may grant a warrant to search for such property or person (Forms 38 and 39).

(2.) A search-warrant may be issued and executed as well on Sundays and holidays as on other days, and by night as well as by day.

(3.) The person to whom a search-warrant is addressed alone has the power to execute it, but may take with him as many persons as are necessary to assist him.

(4.) If the house or place is kept closed after the person executing the warrant has demanded admission and declared his authority and the object of his visit, he may break it open.

(5.) When the alleged offence is one within Article 70 (as to Smuggling) of the principal Order, a search-warrant may be granted by the Court of its own motion, without a sworn information.

Preliminary Examination.

Presence of Accused Person.

41. At every preliminary examination the accused person must be present.

Preliminary Examination need not be in Open Court.

42. A preliminary examination may be held in any convenient place, and such place shall not be deemed an open Court, and the Court may, at its discretion, for reasons to be recorded in the Minutes, order that no person shall be admitted or allowed to remain without permission, except the witnesses of the prosecutor and accused and their legal practitioners.

Depositions to be taken.

43. At a preliminary examination the Court shall take down in writing, and in the presence of the accused, the depositions on oath of those who know anything of the facts of the case, and the cross-examination of such witnesses by or on behalf of the accused, and the re-examination, and either at the completion of each deposition or at any time before committing the accused for trial, the depositions must be read over to the several deponents who are to sign them. If, after hearing them read, they desire to add to or to vary their deposition in any way, they must do so before signing and in the presence of the accused, who, in the event of any material alteration being made, may cross-examine upon that particular point. The Court must initial every alteration, and sign and date each deposition on completion (Form 28).

Discharge or Committal on Conclusion of Evidence.

44. At the conclusion of the evidence of the witnesses for the prosecution, if the Court is of opinion that it is not sufficient to put the accused party on his trial for any indictable offence, it shall forthwith order the accused to be discharged as to the complaint then under inquiry; but if the Court is of opinion that there is sufficient evidence, it shall frame in writing a charge against the accused, which shall be read over to him.

Statement of the Accused.

45. After the charge is read to the accused the Court must address him to the following effect: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. You have nothing to hope from any promise of favour, and nothing to fear from any threat that may have been held out to you to induce you to make any admission, but whatever you may say will be taken down, and may be used as evidence against you at your trial." And whatever the accused may say in reply must be written down and read to him, and afterwards signed by the Court and kept among the depositions. And the fact of the caution having been administered and the words used must always appear before the statement of the accused. If the accused declines to make any statement, the fact of his doing so must be recorded in the same way (Form 29).

Depositions of Witnesses for the Defence.

46. After hearing the statement of the accused (if any), the Court shall inquire if he desires to call any witnesses, and if he does, their depositions must be taken in the same way as prescribed for witnesses for the prosecution, and if the accused himself is called as a witness, the provisions of "The Criminal Evidence Act, 1898," shall be observed.

Committal of the Accused.

47. If the Court is of opinion, on the evidence, that the accused should be put upon his trial, the Court will proceed to commit the accused by warrant to prison to await his trial, or may admit him to bail in the manner described in the principal Order (Forms 30 and 31).

Prosecutor and Witnesses bound over to prosecute, &c.

48.—(1.) After the accused has been committed for trial the Court shall, if it has not been done at the conclusion of each deposition, bind by recognizance the complainant and every witness to appear at the Court at which the trial is to take place, to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, for the prosecution or defence; and after the recognizance has been duly acknowledged by the person entering into it, it must be signed by the Court, and a notice of it, also signed by the Court, must be given at the same time to the person bound by it (Forms 32 and 33).

(2.) If any witness or the prosecutor refuses to be bound over, the Court may by warrant commit him to prison until the trial, unless in the meantime he shall consent to be bound over, or unless in the meantime the Court shall decide not to commit the accused for trial (Forms 35 and 36).

Forwarding of Recognizances, Depositions, &c.

49. The several recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the recognizance of bail of the accused (if any), are to be at once forwarded to the Registrar or other proper officer of the Court of trial, and as soon as the day of trial is fixed that Court shall give notice thereof to the Court of examination; the latter Court will then take such steps as may be necessary to insure the attendance of all parties concerned.

Accused entitled to copy of the Depositions.

50. A person who has been committed for trial shall be entitled to receive on application, and on prepayment at the rate of 6d. per folio, or, if the Court thinks fit, without payment, copies of the depositions on which he has been committed. The Court, at the time of committing him for trial, shall inform him of this provision.

Subsequent Evidence.

51. When new evidence is obtained against an accused person after the completion of the depositions, the prosecutor should give notice to the accused or his solicitor of the names of the witnesses and the substance of their proof; but the Court by whom the preliminary examination was held has no power to administer an oath or take an examination after the accused has been committed.

Accused to be sent to Court of Trial.

52. On receiving notice of the day appointed for the trial, the Court shall do all that is necessary to insure the attendance of the prosecutor and his witnesses and the accused and his witnesses (when they have been bound over) at the Court of trial on that day. When the accused is in custody he must be sent in custody to the Court of trial, and there handed over to the keeper of the prison (if any) or to the Consular officer, who will give a receipt for him (Form 37).

*Trial.**Court of Trial an Open Court.*

53. At every trial of a criminal offence the Court shall be deemed an open Court, and shall be held in a room or place to which the public generally may have access so far as it will conveniently contain them.

Charge to be framed.

54. The charge upon which the accused shall be tried may be amended at any time before the trial by leave or direction of the Court. After the commencement of a trial the charge shall not be altered except in manner provided by the principal Order (Form 5).

When the accused appears or is brought before the Court for trial, and no formal charge has already been framed, the Court shall frame in writing a charge against the accused.

Procedure at Trial.

55.—(1.) At the trial the charge is, in the first instance, to be read over to the accused, who is then to be asked whether he is guilty or not guilty.

(2.) If he pleads guilty the Court may proceed to sentence him or make an order against him.

(3.) If the accused pleads not guilty the Court shall proceed to hear the complainant and such witnesses as he may call and their cross-examination (if any) by the accused, and re-examination by the complainant, and such other evidence as he may adduce in support of the charge.

(4.) After the case for the prosecution is concluded, the accused is asked if he calls witnesses; if he does not, or only to character, the complainant may sum up, and the accused may reply on the whole case.

(5.) If the accused calls witnesses, he may open his case, call his witnesses, and then sum up, after which the complainant may reply.

(6.) If the accused himself is called as a witness, the provisions of "The Criminal Evidence Act, 1898," shall be observed.

(7.) The Court will then, if sitting alone, consider and determine the whole matter, or if sitting with assessors consult the assessors, or if sitting with a jury sum up the case to the jury and take their verdict, and then proceed to sentence the accused or make an order against him, or dismiss the charge (as the case may be).

(8.) When a charge is dismissed the Court shall, if desired by the accused, make out an order of dismissal and give the accused a certificate thereof, which, without further proof, shall be a bar to any subsequent proceedings in the same matter (Forms 16 and 17).

(9.) In the Supreme Court the prosecution shall be conducted by the Crown Advocate. No other legal practitioner shall take part therein without the consent of the Crown Advocate, and no prosecution shall be withdrawn or abandoned without his consent, given in open Court.

Fines and Orders for Payment of Money.

56.—(1.) In every case in which the Court is authorized to order the accused to pay a fine or other sum of money, it may either order it to be paid forthwith, or at such time as the Court may fix, whether by instalments or otherwise; and if by instalments, the accused shall enter into such security, whether with or without sureties, for

the payment of such instalments, as the Court may think fit (Form 19).

(2.) Where the Court imposes a fine or orders a sum of money to be paid, and the enactment under which the conviction or order is made provides no statutory mode of raising, levying, or enforcing the payment of such fine or sum, the Court may issue a warrant of distress under its hand and seal, for the purpose of levying the same (Form 13).

(3.) But if it appears to the Court that the issuing of a warrant of distress would be ruinous to the accused and his family, or that the accused has no goods or chattels on which to levy, the Court may, instead of issuing the distress, commit the accused, with or without hard labour, for a term in accordance with the scale set out in this Rule, unless the amount be sooner paid.

(4.) When, at the return time of the warrant of distress, the officer charged with the execution of it returns that he could not find any or sufficient goods and chattels to satisfy the distress and costs, the Court may commit the accused to prison, with or without hard labour, for a term in accordance with the scale set out in this Rule, unless the amount be sooner paid (Form 24).

(5.) No warrant of distress may issue when the enactment under which the fine is imposed or order made on a conviction does not allow of the amount being levied by distress, but prescribes a sentence of imprisonment if the same is not paid. In that case, if the amount is not paid forthwith, or within such time as the Court may prescribe, the Court may issue a warrant of commitment (Form 25) for a term in accordance with the following scale, unless the money be sooner paid :—

For any Fine or Sum—							Imprisonment not to exceed—
Not exceeding 10s.	..	..	..	..	..	..	Seven days.
Exceeding 10s. and not exceeding 1l.	..	..	..	..	..	..	Fourteen days.
„ 1l.	„	„	2l.	..	..	..	One month.
„ 2l.	„	„	5l.	..	..	..	Two months.
„ 5l.	„	„	20l.	..	..	..	Three months.

Conviction where prescribed Punishment is Imprisonment without Option of Fine.

57.—(1.) When the enactment under which a conviction is made does not prescribe any fine, but orders the accused to be imprisoned, with or without hard labour, or when an order is made directing the performance of any act other than the payment of money, and

ordering the accused to be imprisoned in default of performance of such act, and the accused neglects or refuses to obey such order, the Court may issue a warrant of commitment for such time as is prescribed by the enactment under which the conviction or order is made (Forms 14 and 15).

(2.) If, in a conviction or order such as above described, a sum for costs is adjudged to be paid by the accused to the complainant, the Court may issue a warrant of distress for the amount of such costs, and, in default of distress, may further commit the accused to prison for a term of one month, to commence at the termination of the former sentence, unless the amount due for costs, and all costs and expenses of the distress and of the commitment, and conveying the accused to prison, be sooner paid (Form 22).

Costs upon Dismissal of the Information.

58. When any charge is dismissed with costs, the amount of costs may be levied by distress on the complainant's goods, and, in default of distress or payment, the complainant may be committed to prison for a term of one month, unless the amount due for costs, together with all costs and charges of the distress, and of the commitment and conveying the complainant to prison (which charges are to be assessed by the Court, and stated in the warrant), be sooner paid (Forms 26 and 27).

Imprisonment for a Second Offence.

59. If the Court adjudges any accused to be imprisoned, and the accused is at the time undergoing imprisonment on another conviction, the warrant of commitment for the second conviction shall be delivered to the keeper of the prison in which the accused is at the time confined, and the Court may, if it thinks fit, order in the warrant that the imprisonment under it shall begin at the expiration of the former term.

On Payment of the Penalty, &c., the Distress not to be levied, or the Defendant, if in Prison, to be discharged therefrom.

60. When a person against whom a warrant of distress has been issued tenders to the officer executing the warrant the sum named therein, together with the amount of the expenses up to time of tender, to be named in the warrant, the officer shall cease to execute the same.

When any person is imprisoned for non-payment of any penalty or sum of money he may tender to the keeper of the prison the sum

named in the warrant of commitment, together with the amount of all costs, charges, and expenses also mentioned therein, and the keeper shall receive and give a receipt for the same, and forthwith discharge the prisoner.

Provisions of Article 63 of the Order are to apply to cases under Article 83.

61. In every case in which a person shall be accused under Article 83 (as to Deportation) of the principal Order, the provisions of Article 63 of the principal Order as to payment of expenses, malicious charges, payment of expenses to parties, and Minutes shall apply.

Conviction for Trivial Offences.

62. If, upon the hearing of any case, the Court think that, though the charge is proved, the offence was in the particular case of so trifling a nature that it is inexpedient to award any punishment, or any other than a nominal punishment—

(1.) The Court, without proceeding to conviction, may dismiss the charge, and, if the Court think fit, may order the accused to pay such damages, not exceeding 40s., and such costs of the proceeding or either of them as the Court thinks reasonable; or

(2.) The Court, upon convicting the accused, may discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon, or to be of good behaviour, and either without payment of damages or costs, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

Provisions applicable to both Preliminary Examination and Trial.

Conduct of Prosecution and Defence.

63. In all proceedings, the complainant and accused respectively shall be at liberty to conduct their own cases, and examine and cross-examine the witnesses, or to employ a legal practitioner to conduct their cases, and examine and cross-examine the witnesses on their behalf:

Provided that where a legal practitioner is instructed to appear for the Crown the prosecution shall be conducted by him, and not by any complainant.

Subject to the foregoing provision, the prosecution may be conducted by the Registrar or any other officer of the Court

Minutes to be kept by Court.

64. Careful Minutes are to be kept by the Court, in which are to be entered the issue of all summonses and warrants, the appearances thereupon, all adjournments, remands, recognizances, convictions, and orders, with notes of the evidence taken in each case, statements of objections, rejection of evidence, and all the matters material to the issues. All such entries shall be dated the day of the issue of any document, or the occurrence of the proceeding to which they refer, and those relating to each particular case are to be kept together, so as to form a history of the case.

Disposal of Accused on Adjournment or Remand.

65.—(1.) If from the absence of a witness or other reasonable cause it is necessary or advisable to postpone or adjourn the hearing of any charge, the Court may either admit the accused to bail, or remand him to prison by warrant for such time not exceeding such period as is provided for by Article 41 of the principal Order as may be expedient (Form 6).

(2.) In any case the Court may order the accused to be brought before it at any time before the expiration of the period for which he shall have been remanded.

Forfeited Recognizances.

66. In all cases in which recognizances, whether conditioned to appear, to keep the peace, or for any other purpose, are forfeited, the non-appearance or other default shall be certified by the Court on the back of the recognizance, which shall then be estreated and recovered by distress (Forms 18, 20, 21).

*Appeal and Reserved Case (Order, Article 85).**Applications under Article 85 of the Order.*

67. Any application under Article 85 of the principal Order by a person convicted must be given in writing to the Court within four days after the conviction. Such notice must set forth generally the grounds on which the applicant considers the conviction erroneous in point of law, and may contain an application that time be allowed for filing an argument in support of the application. When the person convicted declares his intention of appealing within the four days, but from any cause is unable to make out an application in writing, the notice shall be prepared for him by an officer of the Court.

Documents to be forwarded to Registrar of the Supreme Court.

68. The case stated, together with all necessary documents, including any argument, shall be forwarded or delivered to the Registrar of the Supreme Court within fourteen days after the recognizances shall have been completed, and shall thereupon be set down for hearing; and the Registrar of the Supreme Court shall give notice of the day appointed for the hearing to the person convicted and other proper parties (if any), either directly or through the proper Provincial Court as the case may require.

*Warrant of Distress or Commitment.**Costs.*

69. Where, on a case stated, a conviction has been affirmed, the Court may issue a warrant of distress or commitment, as the case may be, as though no appeal has been brought, and if the Supreme Court orders any party to pay costs, the order shall state to whom and within what time the costs are to be paid, and if such costs are not paid within the time so limited, the Court may enforce payment by warrant of distress.

PART III.—CIVIL PROCEDURE.

*General.**Sittings for Hearing of Actions.*

70.—(1.) The sittings of the Court for the hearing of actions shall, where the amount of business so requires, be held on stated days.

(2.) The sittings shall ordinarily be public, but the Court may, for reasons recorded in the Minutes, hear any particular case in the presence only of the parties and their legal advisers and the officers of the Court.

Modes of taking Evidence.

71. The evidence on either side may, subject to the direction of the Court, be wholly or partly oral, or on affidavit, or by deposition.

Applications.

72. Every application in the course of an action may be made to the Court orally, and without previous formality, unless in any case the Court otherwise directs.

Amendments, Adjournments, Errors, &c.

73.—(1.) The Court (for reasons recorded in the Minutes) may at any time do any of the following things, as the Court thinks just:—

(i.) Defer or adjourn the hearing or determination of any action, proceeding, or application;

(ii.) Order or allow any amendment of any pleading or other document;

(iii.) Appoint or allow a time for, or enlarge or abridge the time appointed or allowed for, or allow further time for, the doing of any act or the taking of any proceeding.

(2.) No action or proceeding shall be treated by the Court as invalid on account of any technical error or mistake in form or in words.

(3.) All errors and mistakes may be corrected and times may be extended by the Court in its discretion.

Orders of the Court.

74. Any order within the discretion of the Court may be made on such terms respecting time, costs, and other matters as the Court thinks fit.

*Entry of Action.**Entry in Action Book.*

75.—(1.) Upon the application of any person desirous of bringing an action, the Registrar shall enter, in a book to be kept for the purpose, the names, descriptions, and places of residence of the parties and address for service of the plaintiff.

(2.) Each action shall be numbered consecutively in every year.

(3.) The Registrar shall issue all summonses (in duplicate) forthwith after the actions are entered.

Infant suing.

76. When a person under the age of 21 years desires to commence an action (other than for wages, or piece work, or for work as a servant) he must secure the attendance of a “next friend” before the Registrar at the time of entering the action, who shall undertake (by signing a Memorandum to that effect (Form 40), or, if a foreigner, by complying with the requirements of Article 151 (2) of the principal Order) to be responsible for costs. On entering into this undertaking, the “next friend” becomes liable in the same

manner and to the same extent as if he were a plaintiff, and the action shall proceed in the name of the infant "by X.Y., his next friend," and in the event of the infant becoming liable for costs, proceedings may, in default of payment, be taken for the recovery of the amount against the "next friend."

Married Women suing.

77. When an action is entered by a married woman in which her husband is not joined, she shall state the name, and, as far as she can, the address and description of her husband; and, except in those cases to which "The Married Women's Property Act, 1882," applies, shall, unless the Court shall otherwise order, also procure the attendance of a "next friend," who shall give the undertaking and incur all the liability provided in the case of an infant plaintiff in the last preceding Rule.

Report of Action or Difficult Points of Law.

78. Where an action is commenced in a Provincial Court, and involves an amount in dispute of more than 500*l.* or appears to involve difficult questions of law, the Court shall forthwith report the commencement and nature of such action to the Supreme Court.

Parties.

Plaintiffs and Defendants.

79.—(1.) All persons may be joined as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative, and judgment may be given in favour of one or more of the plaintiffs for such relief as he or they may be found entitled to, without any amendment.

(2.) All persons may be joined as defendants against whom any relief is sought, whether jointly, severally, or in the alternative, and judgment may be given against one or more of the defendants, according to their respective liabilities, without any amendment

Trustees, &c.

(3.) Trustees, executors, and administrators may sue, and be sued, on behalf of or as representing the property or estate in which they are so interested, without joining any of the persons beneficially interested in the trust or estate, and shall be considered as representing such persons; but the Court may at any stage of the

proceedings order such persons to be made parties either in addition to, or instead of, the previously existing parties.

Persons having same interest.

80. Where many persons have the same interest in one action, one or more of such persons may sue or be sued on behalf of all persons so interested.

Nonjoinder or Misjoinder of Parties.

81. No action shall be defeated by reason of the misjoinder or nonjoinder of parties, and the Court may in any case either—

(a.) Deal with the issues raised so far as regards the rights and interests of the parties before it; or

(b.) Strike out the names of parties improperly joined; or

(c.) With a view to effectually settling all questions involved, add parties, whether as plaintiffs or defendants.

Service on New Defendant.

82. Where a defendant is added or substituted, the plaintiff shall, unless otherwise ordered by the Court, file an amended writ of summons, and file a copy thereof, and shall serve such writ upon the new defendant in the same manner as if he were an original defendant; but the proceedings as against such new defendant shall be deemed to have commenced only with the service of such writ.

Infants, Married Women, and Lunatics.

83.—(1.) An infant may sue as plaintiff by his next friend, and may defend by his guardian appointed for that purpose.

(2.) A married woman may sue and be sued as provided by "The Married Women's Property Act, 1882."

(3.) A person of unsound mind may sue as plaintiff by his committee or next friend, and may defend by his committee or guardian appointed for that purpose.

Guardian for Infant Defendant.

84. Every infant defendant served with a summons in an action shall appear at the hearing by a guardian *ad litem* in all cases in which the appointment of a special guardian is not provided for. An order for the appointment of such guardian is unnecessary; but the guardian must file a consent in writing to act as guardian, and

the Court may require to be satisfied by affidavit or otherwise that he is a fit and proper person to act as guardian.

Next Friend.

85. Before the name of any person is used in any action as next friend of any infant or other party, such person shall sign a written consent to act as next friend, which consent shall be filed in the Court.

Effect of Consent of Next Friend, &c.

86. Any consent as to the mode of taking evidence or to any other procedure, given with the consent of the Court by a next friend, guardian, committee, or other person acting on behalf of a party under disability, shall be of the same effect as if the party were under no disability and had given such consent.

Class of Persons interested.

87. Where any class of persons shall be interested in an action the Court, if having regard to the nature and extent of the interest of such persons it appears expedient on account of the difficulty of ascertaining such persons, or in order to save expense, may appoint one or more persons to represent the class, and the judgment of the Court shall be binding upon the persons so represented.

Administration Action against Representative.

88. An action for administration of an estate or for the execution of trusts may be brought against any one legatee, next of kin, or *cestui que* trust.

Service of Judgment or Order on Persons interested.

89. Where, in an action for administration or the execution of the trusts of any instrument, a judgment or order has been made affecting the rights or interests of persons not parties to the action, the Court may direct that any persons whose rights or interests are so affected shall be served with notice of the judgment or order; and after such notice such persons shall be bound by the proceedings in the same manner as if they had been originally parties, and shall be at liberty to attend the proceedings under the judgment or order. Any person so served may within one month after such service apply to the Court to discharge, vary, or add to the judgment or order.

Third Party Procedure.

90.—(1.) When a defendant claims to be entitled to contribution or indemnity against any person not a party to the action, he may at any time before the hearing apply to the Court for leave to serve such person with a summons (Form 48) requiring him to appear before the Court to show cause why he should not be made a party, and also with a copy of the original summons and statement of claim (if any).

(2.) On granting such leave the Court may make such order for the postponement of the trial and for notifying the same to the plaintiff as it thinks fit.

(3.) If the third party does not appear pursuant to the summons, or fails to show cause, the Court may give such directions as it thinks fit for the trial of the question as to the liability of the third party, either at or after the trial of the action, and may by such directions give leave to the third party to defend the action, or appear and take part at the hearing in such manner as may appear to be just, or otherwise order in what manner the liability of the third party is to be determined.

(4.) The Court may decide all questions of costs as between a third party and the other parties to the action, and may order any one or more to pay the costs of any other or give such directions as to costs as the justice of the case may require.

(5.) Where a defendant claims to be entitled to contribution or indemnity against any other defendant to the action, the same procedure, as nearly as may be, shall be adopted for the determination of such questions as in the case of third parties.

Actions by and against Firms.

91.—(1.) Any two or more persons claiming or being liable as co-partners, and carrying on business within China or Corea, may sue or be sued in the name of the firms whereof they were partners at the time of the accruing of the cause of action.

(2.) When an action is brought in the name of a firm, and the defendant desires to know the names of the persons who are co-partners in the firm, he may give notice in writing to the plaintiff within three days after service of the summons that he requires such names, and the plaintiff shall forthwith send the names and addresses of the co-partners to the defendant and to the Registrar. The Court may at any time order the plaintiff to give to the defendant the names of the co-partners without such notice. (Form 47.)

(3.) If, owing to the plaintiff not giving the names of the co-partners before entering the action, or from any delay in

furnishing them after the notice above mentioned, the defendant is prevented or unduly delayed in making his defence, the Court may adjourn the hearing upon such terms as it may think fit.

(4.) The Court may, on the application of a plaintiff, require a defendant firm to give to the plaintiff the names of the co-partners of the defendant firm.

(5.) The names of partners to be given under this rule are the names of the partners in the firm at the time of the accruing of the cause of action.

(6.) Notwithstanding the disclosure of partners' names under this rule, all subsequent proceedings in the action shall be in the name of the firm.

Paupers.

92.—(1.) The Court may admit a person to sue or defend as a pauper on his poverty being proved; when he is plaintiff, he must show that he has a proper case for relief.

(2.) The Court may by order assign a legal practitioner to appear on behalf of such pauper, and such legal practitioner is not entitled to refuse his services unless he satisfies the Court of some good reason for refusing.

(3.) If any such pauper gives or agrees to give any fee, profit, or reward for the conduct of his business in Court, he shall be guilty of a contempt of Court, and shall also be forthwith dispaupered, and shall not be afterwards admitted to sue or defend as a pauper in the same proceedings or action.

(4.) A person admitted as a pauper may be dispaupered by order of the Court, on its being proved that he was not when admitted, or no longer is, of sufficient poverty, or that he is abusing his privilege by vexatious proceedings.

Joinder of Causes of Action.

Several Causes of Action may be joined.

93. A plaintiff may unite in the same action several causes of action without leave of the Court, except in the following case, in which leave of the Court is required, viz., the joinder of claims by a trustee or assignee in bankruptcy with any claim by him in another capacity.

Claims by or against Separate Persons.

94.—(1.) Claims by or against husband and wife may be joined with claims by or against either of them separately.

(2.) Claims by or against an executor or administrator as such

may be joined with claims by or against him personally, if the last-mentioned claims are alleged to arise with reference to the estate in respect of which he sues or is sued as executor or administrator.

(3.) Claims by plaintiffs jointly may be joined with claims by them, or any of them separately, against the same defendant.

Separate Trials may be ordered.

95. If at any time it appears to the Court that the causes of action or claims joined in any action cannot conveniently be tried and disposed of together, it may order separate trials or may exclude any such cause of action or claim, and may order the proceedings to be amended accordingly, and may make such order as to costs as may be just.

Writ of Summons and Procedure.

Form of Summons.

96. Every action shall be commenced by a writ of summons (Form 41), the formal parts of which shall be filled up in duplicate by the Registrar at the time of entering the action. Every summons, except where otherwise specially provided, shall bear date on the day of issue, and shall be tested in the name of the member of the Court by which it is issued.

Indorsement of Claim.

97. Every writ of summons shall be indorsed with a statement sufficient to give notice of the nature of the claim or of the relief or remedy required in the action, and, when damages are claimed, with a statement of the amount of such damages. Such indorsement shall be made and signed by one of the persons mentioned in Article 121 (1) of the principal Order.

Capacity of Plaintiff and Defendant to be stated.

98. If a plaintiff sues, or a defendant is sued, in a representative capacity, the indorsement shall show in what capacity the plaintiff or defendant sues or is sued (Form 42).

Plaintiff out of Jurisdiction.

99. Where a plaintiff suing out a writ of summons, either alone or jointly with any other person, is ordinarily resident out of the

particular jurisdiction (or in the case of an action in the Supreme Court, out of the district of the Consulate of Shanghai), he shall file in the Court, at or before the issue of the summons, a written statement of a fit place within the particular jurisdiction (or within such district as aforesaid), where notices and other papers issuing from the Court may be served on him.

He shall also give security for costs by deposit of a sum not exceeding 50*l.*, or by bond in a penal sum not exceeding 100*l.*

The Court may at any time, either of its own motion or on the application of any defendant, order the plaintiff to give further or better security to the amount aforesaid for costs, and may direct proceedings to be stayed in the meanwhile.

Special Indorsement.

100.—(1.) In all actions where the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant with or without interest, arising—

(a.) Upon a contract expressed or implied (as, for instance, on a bill of exchange, promissory note or cheque, or other simple contract debt); or

(b.) On a bond or contract under seal for payment of a liquidated amount of money; or

(c.) On a Statute where the sum sought to be recovered is a fixed sum of money, or in the nature of a debt other than a penalty; or

(d.) On a guaranty, whether under seal or not, where the claim against the principal is in respect of a debt or liquidated demand only; or

(e.) On a trust;

he may, besides stating the nature of the claim, state the amount claimed for debt or in respect of such demand and for costs respectively, and shall further state that upon payment thereof within four days after service further proceedings will be stayed.

(2.) The defendant may notwithstanding such payment have the costs taxed, and if more than one-sixth shall be disallowed the plaintiff shall pay the costs of taxation.

Summary Judgment on Specially Indorsed Writ.

101. Where the plaintiff proceeds under Rule 100, he may, on the return day, and whether the defendant appears or not, on affidavit made by himself or by any other person who can swear positively to the facts verifying the cause of action and the amount claimed, and stating that in his belief there is no defence to the action, apply to the Court for final judgment for the amount indorsed upon the writ

of summons, together with interest, if any, and costs. The Court may thereupon, unless the defendant shall by affidavit or by *vivâ voce* evidence on oath satisfy the Court that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend, give final judgment for the plaintiff accordingly.

In cases of Account.

102. In all cases where the plaintiff in the first instance desires to have an account taken, the indorsement shall contain a claim that such account be taken.

Where Assignee sues.

103. In all cases where the assignee of any debt or other legal chose in action sues, he shall state in the indorsement the name and description of the assignor (Form 42).

Where more than one Cause of Action.

104. Where the plaintiff seeks to obtain redress upon more than one cause of action or claim, he shall state in the indorsement the grounds of each claim separately, and shall also state separately the redress he claims in respect of each.

Duration of Summons.

105.—(1.) An original summons shall not be in force for more than twelve months from the day of its date (including that day).

(2.) If any defendant named therein is not served therewith, the plaintiff may, before the end of the twelve months, apply to the Court for renewal thereof.

(3.) The Court, if satisfied that reasonable efforts have been made to serve the defendant, or for other good reason, may order that the summons be renewed for six months from the date of renewal, and so, from time to time, during the currency of the renewed summons.

(4.) The summons shall be renewed by being resealed with the seal of the Court, and a note being made thereon by the Registrar, stating the renewal and the date thereof.

(5.) A summons so renewed shall remain in force and be available to prevent the operation of any statute of limitation, and for all other purposes, as from the date of the original summons.

(6.) The production of a summons purporting to be so renewed shall be sufficient evidence of the renewal and of the commencement of the action, as of the date of the original summons, for all purposes.

Dismissal for Non-prosecution.

106. If an action is not proceeded with and disposed of within twelve months from service of the original summons, the Court may, if it thinks fit, without application by any party, order the same to be dismissed for failure to proceed.

*Service.**When Returnable.*

107. Every summons shall be returnable at a Court to be held not less than seven clear days after the service.

But a summons may be issued, returnable at any shorter period, on the production to the Registrar of an affidavit by the plaintiff or some one aware of the fact that the defendant is about to remove out of the jurisdiction of the Court, and the Court may, on the return day, on the proof of the service of the writ of summons, proceed with the trial of the action.

Mode of Service.

108.—(1.) With the original summons the Registrar shall issue a copy for service, which shall also bear the seal of the Court.

(2.) Service of a summons shall be made by an officer of the Court, unless in any case the Court thinks fit otherwise to direct.

(3.) Service shall not be made except under an order of the Court indorsed on or subscribed or annexed to the summons, which order is part of the summons to be served.

(4.) Except as otherwise provided in these Rules, and unless the Court thinks it just and expedient otherwise to direct, service shall be personal, that is, the summons shall be delivered to the person to be served, himself.

(5.) An order for service may be varied from time to time with respect to the mode of service directed by the order.

(6.) Service not required to be personal shall be made before 5 o'clock in the evening; if made after that hour it shall be considered as made on the following day, and if after that hour on Saturday as made on the following Monday.

(7.) Service shall not be made on Sunday, Christmas Day or Good Friday.

(8.) Ordinarily service shall not be made out of the particular jurisdiction, except under an order for that purpose made by the Court within whose jurisdiction service is to be made, which order may be made on the request of the Court issuing the summons.

(9.) Where, however, the urgency or other peculiar circum-

stances of the case appear to any Court so to require (for reasons recorded in the Minutes) the Court may order that service be made out of its particular jurisdiction.

Service on Representatives and others.

109. When the summons is addressed to—

(1.) An infant : Service shall be effected by delivering the summons to his father or guardian, or, if none, to the person with whom he resides, or under whose care he is. But the Court may order that service on the infant himself shall be good service.

(2.) A lunatic : Service shall be effected by delivering the summons to his committee, if he has one, or, if not, to the person with whom he resides or under whose care he is.

(3.) Partners sued in the name of their firm : Service shall be effected either upon any one or more of the partners, or by delivering the summons to any person at the principal place of business of the partnership, who, at the time of the service, apparently has the control or management of the partnership business there ; but if the partnership has to the knowledge of the plaintiff been dissolved before the commencement of the action, service must be effected upon every person within the jurisdiction sought to be made liable.

(4.) A person living or serving on board any ship, or vessel, or hulk : Service shall be effected by delivering the summons to any person on board who, at the time of service, is apparently in charge of the ship, vessel, or hulk.

(5.) A prisoner in gaol : Service shall be effected by delivering the summons to the Governor, or any person appearing to be head officer in charge.

(6.) A corporation : Service shall be effected by delivering the summons to a secretary or clerk of the defendants within the ordinary jurisdiction of the Court.

When Service prevented.

110.—(1.) When a defendant keeps his house or place of dwelling or of business closed in order to prevent the service of the summons, it shall be sufficient service to affix the summons on the door of the house or place of dwelling or of business.

(2.) When the Marshal is prevented by the violence or threats of the defendant, or of any other persons in concert with him, from personally serving the summons, it shall be sufficient service to leave the summons as near to the defendant as practicable.

Substituted Service.

111. Where it appears to the Court (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either—

(a.) By delivery of the summons to some adult inmate at the usual or last known place of abode or business of the person to be served; or

(b.) By delivery thereof to some person being an agent of the person to be served, or to some other person within the jurisdiction of the Court, on its being proved that there is reasonable probability that the document will, through that agent or other person, come to the knowledge of the person to be served; or

(c.) By advertisement in such newspaper as the Court may order; or

(d.) By notice put up at the Court or at some other place of public resort within the jurisdiction of the Court:

Provided that where the person to be served is not within the limits of the principal Order, an order under this Rule shall not be made by a Provincial Court, except such order as is authorized by paragraph (b). (Forms 43-45).

Where Service has not been Personal.

112. When the summons, though not served personally, has been delivered at the house or place of dwelling or business of the defendant, and he does not appear in person or by his legal practitioner or agent on the return day, the action may proceed, if the Court is satisfied on the evidence before it that the service has come to the knowledge of the defendant before the return day; but no such evidence shall be necessary in the cases mentioned in Rules Nos. 109 (sections 4, 5, and 6) and 110.

Service in pursuance of Statute.

113. Whenever, by any Statute, provision is made for service of any summons or other process upon any corporation, society, fellowship, or any body or number of persons, whether corporate or otherwise, the summons may be served in the manner provided.

Where Defendant knows of Summons less than five clear days before Return Day.

114. When a summons has been served in one of the modes before mentioned, but is proved to have come to the knowledge of
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the defendant less than five clear days before the return day, the action may, at the discretion of the Court, proceed or be adjourned, whether the defendant appears or not.

Service of Summonses generally.

115. The foregoing Rules as to the mode, but not those as to the time, of service of summonses to appear to an action, shall apply to the mode of service of all summonses or other process whatsoever, except where otherwise directed by Statute or by these Rules.

Renewal of Summons.

116. No summons shall be renewed if the non-service has been caused by the fact of the defendant having removed before the entry of the action from the address given, or of the plaintiff having given a wrong or insufficient address; but in every such case a fresh action must be entered and a new summons issued.

Special Defences.

Where Plaintiff sues on behalf of others.

117. Where a plaintiff sues on behalf of others having the same interest, the defendant may avail himself of any defence in respect of each of the persons on whose behalf the plaintiff is suing which he would have had had such person been plaintiff.

Where Defendant desires to defend on behalf of others.

118.—(1.) When a defendant desires to defend on behalf of others having the same interest, he shall, within seven clear days of the service of the summons, apply to the Court for leave so to defend, and shall file an affidavit of the facts on which he relies to obtain such leave, together with the names, addresses, and occupations of such persons; and the Court may thereupon make an order for the defendant so to defend, and shall add the names to that of the defendant, and a copy of the order shall be personally served on each of such persons, and notice sent to the plaintiff.

(2.) The plaintiff, or any of the persons whose names have been so added, may at the trial object to the defendant defending on behalf of all or any of the persons included in the order, and the Court may, if it thinks fit, strike the names of all or any of such persons out of the proceedings, and order the defendant to pay such costs as it shall think fit.

Notice of Special Defence.

119.—(1.) When the defendant intends to rely upon any of the grounds of defence hereinafter mentioned, or upon any counter-claim, he shall file a notice (Form 46) stating therein his name and address, together with a concise statement of such grounds, two days before the return day of the summons; the Registrar shall thereupon send a copy of such notice and particulars to the plaintiff.

(2.) If this Rule has not been complied with, and the plaintiff does not consent at the hearing to allow the defendant to avail himself of the special defence, the Court may adjourn the trial on such terms as it may think fit, to enable the defendant to give the required notice.

(3.) The notice to be given by the defendant under this Rule shall contain particulars as stated below :—

No.	Nature of Special Defence.	Particulars required in the Notice.
1	Counter-claim against plaintiff's claim	Particulars of counter-claim.
2	Infancy	The place and date of birth, as far as he is able.
3	Coverture	The place and date of marriage, together with the Christian and surname of her husband, and his address and description so far as known.
4	Statute of Limitations ..	The date from which he relies that the Statute begins to run.
5	Release under any Statute relating to bankrupts, or for the relief of insolvent debtors	The date of his certificate, discharge, or final order, and the Court by which such certificate, discharge, or final order was granted or made.
6	Statutory defence in an action of tort	The year, chapter, and section of the Statute on which he relies, or the short title thereof.
7	Tender	Amount of tender, and in respect of what portion of the claim.
		<i>Note.</i> —This defence is not available unless at the time of filing the notice the defendant pays into Court (which may be without costs) the amount alleged to have been tendered.
8	Any equitable estate, or right of relief on any equitable ground	The circumstances which give rise to such defence, and each of the grounds of equitable defence set forth separately.

*Pleadings and Issues.**Pleadings.*

120. There shall ordinarily be no written pleadings, but the Court may at any time, if it thinks fit, order the plaintiff to put in a written statement of his claim, or a defendant to put in a written statement of his defence.

Particulars in certain Cases.

121. In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, particulars thereof shall be delivered to the other side before the return day, or such other day as the Court may fix.

Order for Pleadings or Particulars.

122.—(1.) On the return day or on the day when the parties are first before the Court, the Court, on the application of either party or of its own motion, may make an order for—

(a.) Pleadings;

(b.) Particulars of the plaintiff's claim or of the defendant's counter-claim or special defence raised under Rule 119.

(2.) Either party may at any time apply by motion to the Court for an order for pleadings or particulars.

(3.) When the Court makes an order for pleadings or particulars, then, unless the Court otherwise order, the pleadings or particulars which in ordinary course should be first delivered shall be delivered within fifteen days of the making of the order, and subsequent pleadings or particulars within fifteen days of the delivery to the opposite party of the previous pleadings or particulars.

(4.) Copies of pleadings or particulars, with a statement of the day on which they were delivered to the opposite party, shall be forthwith filed.

Settlement of Issues.

123. When, in any action, it appears to the Court that the issues of fact in dispute are not sufficiently defined, the parties may be directed to prepare issues, and such issues shall, if the parties differ, be settled by the Court.

*Interlocutory and Interim Orders and Proceedings.**Mode of Application for Interlocutory and Interim Order.*

124. When any party desires before trial an order upon any of the matters following, viz. :—

(1.) For the production of any deed ;

(2.) To secure the possession, detention, or preservation of any property ;

(3.) To obtain security from any person for any moneys in his possession, or to enforce the payment into Court or deposit thereof pending litigation ;

(4.) The sale of any goods, wares, or merchandize which may be of a perishable nature, or which the Court may think desirable to be sold at once, and the payment of the price thereof into Court ;

(5.) The inspection or taking samples of any goods, wares, or merchandize ;

(6.) For measuring, weighing, or making any experiment upon any goods, wares, or merchandize by some person named in the order ;

(7.) For surveying, measuring or making any plan, model, level, or section of any building or place ;

(8.) For a view of any premises that may be in dispute ;

(9.) The taking of any accounts, or making any inquiries, or for any other interlocutory or interim order or proceeding ;

He may file an application for such order, and apply *ex parte* (*i.e.*, without notice to the other side) to the Court, with affidavits showing the facts rendering such order immediately necessary ; and upon this application the Court may either make an order absolute in the first instance, or make an order to become absolute at any period to be named by the Court, unless before that period cause is shown to the contrary, or may make such other order, or give such other directions in the matter as the Court may think fit, and may order immediate execution. But affidavits are not necessary in the first instance unless the Court so orders.

Where Specific Property other than Land is sought to be recovered.

125. Where an action is brought to recover, or a defendant in his defence seeks to recover by way of counter-claim, specific property other than land, and the party from whom it is claimed does not dispute the title of the claimant, but claims to retain the property by virtue of a lien or otherwise as security for any sums of money, the Court, upon being satisfied by affidavit or otherwise of the existence of such lien or security, may order that the claimant shall be at liberty to pay into Court, to abide the event of the action, the amount of money in respect of which the lien or security is claimed, and such further sum (if any) for interest and costs as the Court shall direct, and that upon such payment being made into Court, the property shall be given up to the party claiming it.

Draft Order to be settled by Court.

126. The drafts of all orders under the two preceding Rules shall be prepared beforehand by the party applying, and if the Court approves of the application it shall settle and sign the draft, which shall be delivered by the applicant to the Registrar, who shall draw up the order in conformity with the draft, and seal and file the same, and issue a copy under the seal of the Court to the Marshal for service.

Where from any cause the party is unable to prepare the draft order, it shall be prepared by the Court.

Orders under Rule 124, sections 5, 6, and 7.

127. When orders under sections 5, 6, and 7 of Rule 124 specify the performance of an act by a person named in the order, they may include an order for the Registrar, or some other person named in the order, to examine upon oath and take the deposition of the person first named as to the measure, weight, or inspection, or the correctness of the survey, or the result of the experiment, or the fairness of the samples, or the accuracy of the plan or model, and such order may also empower any or either party to give the deposition so taken in evidence upon any trial or proceeding.

Orders under Rule 124, section 7.

128. An order under Rule 124, section 7, may also give authority to a person to be named in the order to enter, with such persons as may be necessary for his assistance, upon any lands or tenements to be described in the order, in the possession of any party to the action, for the purpose of executing the order.

*Discontinuance and Disclaimer.**Discontinuance of Action.*

129. A plaintiff who desires to discontinue the action or matter against all or any of the parties thereto shall give written notice (Form 49) to the Registrar and to the parties as to whom he wishes to discontinue the action or matter, and thereupon the party may apply *ex parte* for an order against the plaintiff for the costs incurred before the receipt of the notice and of attending to obtain the order.

Disclaimer, Admission, and other Statements by Defendant.

130. A defendant may file a statement—

(1.) Disclaiming any interest in the subject-matter of the action;

(2.) Admitting or denying any of the statements in plaintiff's particulars;

(3.) Raising any question of law in any such statement without admitting its truth;

(4.) Stating concisely any new fact or document upon which he intends to rely as a defence, or to bring to the notice of the Court.

And a copy thereof shall be transmitted by the Registrar to the plaintiff (Form 50).

The fact of a defendant having or not having availed himself of this Rule shall be taken into account in the consideration of the question of costs.

Admissions.

Admission of truth of Plaintiff's Statement.

131. When a defendant desires to admit the truth of the statement in the plaintiff's particulars, and to submit to the judgment of the Court thereon, he may, at any time before the return day, sign an admission in the presence of the Registrar, and such admission shall be filed at least two clear days before the return day, and the Registrar shall transmit a copy thereof to the plaintiff or his legal practitioner (Form 51).

Unless by order of the Court, the plaintiff shall not be allowed any costs incurred in relation to the proof of the matter so admitted, after the service upon him of such admission.

Notice to admit Documents.

132. Either party may call upon the other party to admit any document, saving all just exceptions; and if the other party refuses or neglects to admit after this notice, he shall pay the costs of proving the document in any event, unless the Court certifies that the refusal to admit was reasonable. And no costs of proving any document shall be allowed unless such notice be given, except in cases where the omission to give the notice is, in the opinion of the taxing officer, a saving of expense (Form 59).

Notice to admit Facts.

133.—(1.) Any party may give notice to another party by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of that other party.

(2.) Any party may, by notice in writing, at any time not less than three clear days before the hearing, call on any other party to

admit, for the purpose of the action or matter only, any specific fact mentioned in the notice. In case the other party refuses or neglects to admit the fact within three days, or such further time as the Court may allow, he shall pay the costs of proving the fact in any event, unless at the hearing the Court certify that the refusal was reasonable, or otherwise order (Form 60).

Judgment on Admissions.

134. At any stage of an action or matter, where admissions of facts have been made, any party may apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties. And the Court, upon such application, may make such order, or give such judgment as it may think fit.

Notice to produce Documents.

135. Any party may, by notice in writing, at any reasonable time before the trial of an action or matter, call upon any other party to produce any document at the trial, and if, after receipt of such notice, the other party does not produce the document required, the party requiring it may, on proof of service of the notice and that the document is in the possession of the other party, give secondary evidence respecting it (Form 61).

Payment into Court.

Payment into Court before Judgment; how made.

136.—(1.) When a defendant desires to pay money into Court on an ordinary summons, except under a defence of tender, he shall do so at least two clear days before the return day, with Court fees proportionate to the amount paid in, and the legal practitioner's costs, if any, and the Registrar shall immediately send to the plaintiff notice thereof (Form 52).

(2.) When such payment is made less than two clear days before the return day, or without the costs, the Registrar shall in the same way send notice to the plaintiff; but the Court may order the defendant to pay such fees and costs as the plaintiff shall have incurred in issuing the summons, preparing for trial, and attending the Court, but no hearing fee shall be charged.

(3.) If the plaintiff elects to accept the money paid into Court in full satisfaction of his claim, including costs, and gives the Registrar and defendant notice before the return day, within reasonable time

after the payment, the action shall abate and the plaintiff shall not be liable to further costs; but if he does not give such notice, the action may proceed (Form 53).

(4.) When a defendant pays into Court any sum admitted by him to be due after deducting any amount claimed by him as a counter-claim, he shall pay therewith Court fees proportionate to the total amount of the sum paid in and the sum claimed as counter-claim.

(5.) When a defendant pays into Court in part payment of the amount claimed, or under the defence of tender, and the plaintiff does not accept the sum paid in satisfaction of the action, the money shall not be paid out until after the judgment, and then, if any costs have been awarded to the defendant, the amount of such costs shall be deducted from the amount paid in and delivered to the defendant.

Paying Money into Court and Searches.

137.—(1.) Money to be paid into Court, under an order of the Court or otherwise, may be so paid during office hours, on every day on which the office is open.

(2.) Whenever money is paid into or deposited in Court, whether before or after judgment, an acknowledgment in print or in writing, signed by the proper officer, of such payment or deposit, shall be given to the person by whom the money is paid or deposited.

(3.) Searches may be made, and the money to which suitors are entitled shall be paid out on demand on two days at least in each week, such days to be fixed by the Court, and to be printed or written on the summons.

(4.) No officer of the Court shall, on account of suitors, sign the ledger or any other book, or receive money, or otherwise act as an agent.

Discovery and Inspection.

Interrogatories.

138.—(1.) In any action either party may, by leave of the Court, deliver interrogatories in writing for the examination of the opposite parties, or any one or more of such parties, in which latter case they shall have a note at the foot, stating which of the interrogatories each person is required to answer (Form 54).

(2.) Neither party shall deliver more than one set of interrogatories to the same party without an order of the Court.

(3.) No interrogatory which does not relate to any matter in question in the action or matter shall be allowed.

(4.) On an application for leave to deliver interrogatories, the

particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application the Court shall take into account any offer, which may be made by the party sought to be interrogated, to deliver particulars, or to make admissions, or to produce documents, and leave shall be given to deliver only such interrogatories as seem necessary.

(5.) When the party sought to be interrogated is a company, partnership, or other body of persons, the name of the officer, member, or person by whom it is proposed that the interrogatories shall be answered, must be inserted in the interrogatories, and an order allowing the interrogatories may be made accordingly.

(6.) Any interrogatories may be set aside on the ground that they are unreasonable or vexatious, or struck out on the ground that they are prolix, oppressive, unnecessary, or scandalous.

Answer to Interrogatories.

139.—(1.) Interrogatories shall be answered by affidavit within eight days, or such time as the Court may allow (Form 55).

(2.) Any objection to answering any interrogatory, on the ground that it is scandalous or irrelevant, or not *bonâ fide* for the purpose of the action or matter, or on any other ground, may be taken in the affidavit in answer.

(3.) If any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer, or to answer further, as the case may be (Form 56).

(4.) Such answer or further answer may be either by affidavit or in *vivâ voce* examination, as the Court shall direct.

Discovery of Documents.

140.—(1.) Any party may, without affidavit, apply to the Court for an order (Form 57), directing any other party to an action or matter to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question. On the hearing of the application the Court may adjourn or refuse the same, if it is satisfied that this discovery is unnecessary, or not necessary, at that stage of the cause or matter, or make such order, either generally or limited to certain classes of documents, as may in its discretion be thought fit.

(2.) The affidavit to be made by a party against whom such an order of discovery has been made shall specify which (if any) of the

documents he objects to produce, and the grounds for his objection (Form 58).

(3.) At any time during the pendency of an action or matter the Court may order the production on oath, by any party thereto, of such of the documents in his possession or power relating to any matter in question in the action or matter as the Court may think right, and may deal with such documents, if produced, in such manner as shall appear just.

Disobedience to Order.

141.—(1.) If any party fails to comply with an order to answer interrogatories, or for discovery or inspection of documents, he shall be liable to attachment under Rule 176.

(2.) He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and if a defendant, to be placed in the same position as if he had not defended. And the party interrogating may apply to the Court for an order to that effect, and the order may be made accordingly.

Single Answers, or Portions of Answers, may be used.

142. Any one or more of the answers, or any part of an answer, to interrogatories, may be used by the opposite party in evidence without putting in the others, or the whole of the answer. But in any case the Court may look at the whole of the answers, and may direct others to be put in, if it be of opinion that any of them are so connected with those already put in that they should not be left out.

Witnesses.

Summonses to Witnesses.

143.—(1.) Summonses to witnesses may be issued by the Registrar without leave of the Court, and may, by leave of the Court, be issued in blank and served by the party applying for them or his legal practitioner, but only one name shall be inserted in each summons (Forms 62 and 63).

(2.) It shall be sufficient if a summons to a witness be served a reasonable time before the return day.

Evidence to be taken vivâ voce.

144. Except where otherwise provided by the principal Order or these Rules, the evidence of witnesses shall be taken *vivâ voce* on

oath. Where evidence is permitted to be taken by affidavit, such evidence may be taken *vivâ voce* on oath if the Court shall so direct.

Order for production of Documents may be made.

145.—(1.) When a witness served with a summons to produce does not at the trial produce the document required, the Court, upon admission or proof of the service of the summons within a reasonable time, and that the documents are in the possession or power, or under the control of the witness, and that they relate to the matter then pending before the Court, may make an order (Form 64) for their production by the witness, and may deal with them when produced, and with all costs occasioned by their non-production, as may seem just.

(2.) Nothing in this Rule shall prevent the Court from receiving secondary evidence, where admissible, of any document, the production of which has been required as above.

Documents produced from proper Custody to be read.

146. When any document is produced to the Court from proper custody, it shall be read without further proof, if no objection be taken and if it appears genuine; if the admission of any document so produced be objected to, the Court may adjourn the hearing for the proof of the document, and the party objecting shall pay the costs caused by the objection, in case the document shall be afterwards proved, unless the Court shall otherwise order.

Notice of desire to use Affidavit.

147. When a party desires to use at the trial an affidavit by any particular witness or regarding any particular facts, he may, five clear days before the hearing, give a notice (Form 65), with a copy of the affidavit annexed, to the party against whom the affidavit is to be used, and unless the last-named party shall, within two clear days, give notice to the other party that he objects to the use of such affidavit, he shall be taken to have consented to the use of it, unless the Court otherwise order.

But the Court may allow an affidavit to be used in any case.

Evidence by Deposition or de bene esse.

148.—(1.) Whenever it shall be made to appear to the Court, upon the affidavit of any party to an action or matter, or of any

credible person, that it is likely that any witness or person, by reason of great age and infirmity, illness, or any other sufficient cause, may not be able to appear to give evidence at the trial, the Court may make an order (Form 66), notice of which shall be served on the other side, for the examination on oath of such witness or person by the Court at any place, and may empower any party to the action or matter to give the deposition so taken in evidence, on such terms, if any, as the Court may direct.

(2.) Such deposition shall not be used at the trial if it shall then be made to appear to the Court that the witness is able to appear and be examined *vivâ voce*.

Affidavits; evidence of Persons using them.

149. All affidavits and depositions shall be read as the evidence of the person by whom they are used.

Change of Parties.

Notice to be given of Change of Party.

150.—(1.) When, by reason of any event occurring after the commencement of any action or matter, there shall be any assignment, creation, or transfer of the interest, estate, or title of any plaintiff before judgment, the person to or upon whom the interest, estate, or title has come may give notice (Form 67) of the fact to the Registrar, with his name and address, together with an affidavit of the truth of the fact. The Registrar shall at once cause a copy of the notice to be served upon the defendant in the action or matter, and a further notice (Form 68) stating that unless by a certain date he appears and shows cause against it, the person to or upon whom the interest, estate, or title has come will be substituted for or made a joint plaintiff with the original plaintiff.

(2.) In the same manner, with regard to any defendant such defendant may give a similar notice to the Registrar, who shall take the like proceedings, and a defendant may be substituted or added, as the case may be, in the same manner as in the case of the substitution or addition of a plaintiff.

(3.) When a plaintiff or defendant is substituted or added under this Rule the title of the action shall be altered, and all subsequent proceedings carried on under the altered title.

Abatement.

151. No action or matter shall abate on account of the marriage, death, or bankruptcy of any of the parties, if the cause of action

survives or continues, and no action or matter shall become defective on account of the assignment, creation, or transfer of any estate or title while the action or matter is proceeding. And whether the cause of action survives or not there shall be no abatement if either party die between the verdict or the finding of the issues of fact and the judgment, but judgment may be entered in such case notwithstanding the death.

Power to add Parties.

152. When by reason of marriage, death, or bankruptcy, or any other event occurring after the commencement of an action and causing a change or transmission of interest or liability, or by reason of any person coming into existence after such commencement, it becomes necessary or desirable that any person not already a party should be made a party, the Court may on application make an order that the action shall be carried on between the continuing parties and the new party or parties.

Execution by and against Persons not Parties.

153.—(1.) By leave of the Court, execution on any judgment may issue to any person not a party to the action, if such person proves his title to the benefit of the judgment. The Registrar shall substitute the name of such person for that of the original plaintiff, with a statement of his title, and shall give notice of having done so to the defendant, and execution shall not issue upon the judgment until three clear days after the service of the notice.

(2.) When execution is required of any judgment against any person not a party to the action, the plaintiff shall take out a summons on the judgment directed to the person against whom it is proposed to issue execution, calling upon him to show cause why the judgment should not be enforced against him under the circumstances stated in the summons.

(3.) When a judgment has been given against a deceased person, his executors or administrators may be sued upon the judgment in the manner provided by this Rule.

Trial.

When Defendant does not appear.

154.—(1.) If at the hearing the plaintiff appears, but the defendant or any of the defendants does not appear, the Court

shall, before hearing the action, inquire into the service of the summons and of notice of hearing on the absent party.

(2.) The Court, if not satisfied as to the service, may order further service to be made as the Court directs, and in that case shall adjourn the hearing for the purpose, but, if so satisfied, may proceed to hear the action, notwithstanding the absence of the defendant or any defendant.

(3.) If the Court hears an action in the defendant's absence the Court may afterwards, on proof that the absence was excusable, and that the defendant has a defence on the merits, re-hear the action on such terms as it thinks fit.

When Plaintiff does not appear.

155. If at any trial or at any continuation or adjournment the plaintiff does not appear, and the defendant does appear, and does not admit the plaintiff's claim, the Court may in its discretion dismiss the action and award to the defendant costs in the same manner and to the same amount as if the action had been tried, but no hearing fee shall be charged. The plaintiff may subsequently commence a fresh action on such terms as to costs and otherwise as to the Court shall seem fit.

Appointment of Guardian ad litem for Infant Defendant.

156. When an infant defendant appears at the trial, and names a person who then consents to act as guardian, such person shall be appointed guardian accordingly; but, if the defendant does not name a guardian, the Court may appoint any person in Court willing to become a guardian, or, if there is no such person, the Court shall appoint the Registrar to be guardian, and the name of the guardian so appointed shall be entered, and the action shall then proceed; but no responsibility shall attach to any person appointed guardian at the instance of the Court.

Action pending in another Court for same Cause.

157. When at the trial it appears that an action by the same plaintiff for the same cause is pending in any other Court, whether within or without the jurisdiction, the Court shall order the action to be struck out unless the plaintiff undertakes to discontinue the action in the other Court before a certain date to which the trial shall be adjourned, and if the action in the other Court has not been discontinued by that date, the action shall then be struck out.

General Jurisdiction of Court on Trial of Action.

158. At the trial the Court may try the whole matter of the action and give judgment thereon, or grant any relief, redress, or remedy, or may make any order and give any direction it may consider necessary to enable it to give a final judgment upon a future day (to which the trial shall be adjourned), and may also make such order as to costs as shall be authorized by these Rules and as the Court may think fit.

Absent Parties may be added at the Hearing.

159. When at the trial the Court considers that the action cannot be adjudicated upon by reason of all the proper parties not being before the Court, it may order such parties to be made plaintiffs or defendants upon such terms as to adjournment notices and costs as it shall think fit.

Separate Judgments against more than one Defendant.

160. When two or more defendants are joined, and judgment is given separately against each with costs, the costs shall be apportioned according to the respective amounts of each judgment, unless the Court shall otherwise order.

Judgment on Counter-claim may be given for Balance.

161. When a counter-claim is established against a plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may adjudge to the defendant otherwise such relief as he may be entitled to on the merits of the case.

*Amendments.**Amendment.*

162. The Court may at any stage of the proceedings, and in such manner and on such terms as may be just, allow all such amendments to be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Neglect to amend within Time.

163. If a party who has obtained leave to amend does not amend accordingly within the time limited for that purpose, or, if no time

is specified, within eight days from the date of the order, the order shall become *ipso facto* void, unless the Court shall think fit to extend the time.

Amended Documents to be marked.

164. Whenever any document is amended it shall be marked with the date of the order of amendment, and of the day on which the amendment is made, in manner following, viz. :—

“Amended day of , pursuant to order of , dated
the day of , 19 .”

Time for Delivery.

165. Whenever any document is amended, it shall be delivered to the opposite party within the time allowed for the amendment, and when the document is one which is required to be filed, the amended document shall be filed also in the same manner.

Judgments and Orders.

Formal Orders.

166.—(1.) A Minute of every order, whether interlocutory or final, shall be made by the Court in the Minutes of Proceedings at the time when the judgment or order is given or made.

(2.) Every such Minute shall have the full force and effect of a formal order, and shall form part of the record.

(3.) The Court may at any time order a formal order to be drawn up on the application of any party.

(4.) Where the Court delivers a decision in writing, the original, or a copy thereof, signed by the Judge or officer holding the Court, shall be filed in the proper office of the Court with the papers in the action.

(5.) An order shall not be drawn up in form except on the application of some party to the action, or by direction of the Court, and shall then be passed and be certified by affixing thereto the seal of the Court, and it shall then be deemed to form part of the record in the action.

(6.) An order shall not be enforced or appealed from, nor shall an office copy of it be granted, until it forms part of the record.

(7.) An order shall bear the date of the day of the delivery of the decision on which the order is founded.

(8.) Any party to an action or proceeding is entitled to have an office copy of any order made therein.

Entry of Judgment

167. All orders for adjournment or for the payment of costs, and all judgments for the payment of any debt or damages or costs, shall be entered by the Registrar in the Minutes; but all special judgments or orders in the nature of Decrees shall be settled by the Court, and shall be sealed with the seal of the Court, and filed with the rest of the documents in the action or matter, and the Minute of the filing, with an abstract of such judgment or order and the date thereof, shall be entered in the Minutes (Forms 69 and 70).

Service of Orders.

168. Orders for payment of money or costs, or both, and orders of adjournment, when directed to be served, shall in all cases be prepared by the Registrar, and, unless the Court shall otherwise order, shall be delivered to the Marshal, who shall immediately send them to the parties on whom they are directed to be served; but it shall not be necessary for a party in whose favour any order has been made to prove, previously to his taking proceedings thereon, that it has reached the other party.

Consents.

169. Any consent in writing signed by or on behalf of the parties may, by leave of the Court, be filed, and shall thereupon have the effect of an order of the Court.

Orders for Payment of Money.

170.—(1.) When the Court orders the payment of a sum of money, such money shall, unless the Court otherwise orders, be payable forthwith.

(2.) The Court may order the amount of a judgment and the costs to be paid by instalments, as it may think fit.

(3.) When the amount in dispute does not exceed 50*l.*, the Court may at the time of giving judgment award a lump sum for costs, not exceeding 5*l.* and Court fees, and such sum shall become payable forthwith unless the Court otherwise orders.

(4.) The rate of interest on judgment debts shall be 5 per cent.

(5.) All payments may be made into Court.

(6.) The Registrar shall give notice to the party in whose favour it is made of every payment made into Court when the payment exceeds 10*s.* (Form 71).

Injunction.

171. In any action or matter in which an injunction has been or might have been claimed, the plaintiff may, before or after judgment, apply for an injunction to restrain the defendant from the repetition or continuance of the wrongful act or breach of contract complained of, or from the commission of any wrongful act or breach of contract of a like kind relating to the same property or right, or arising out of the same contract; and the Court may, in addition to giving judgment for such damages and costs as the plaintiff may be entitled to, grant the injunction, either upon or without terms, as may be just (Form 72).

Where an Order directs a Deed to be prepared.

172. Where a judgment or order directs any deed to be prepared and executed, it shall state by what party the deed is to be prepared, and to whom it shall be submitted for approval, and, if the parties cannot agree upon the form of it, the Court may, upon the application of either party, either settle the deed itself, or name a competent person by whom the deed shall be settled, subject to the final approval of the Court.

Sale of Personal Property.

173. Where an order directs any personal property to be sold, it shall be sold by public auction, under the superintendence of the Marshal, unless the Court shall otherwise direct.

Urgent Orders.

174.—(1.) On proof of great urgency or other peculiar circumstances, the Court may, if it thinks fit, before service of a writ of summons in an action, and without notice, make an order of injunction, or an order to sequester money or goods, or to stop the clearance of a vessel, or to hold to bail, or to attach property.

(2.) Before making the order the Court shall require the person applying for it to enter into a recognizance, with or without a surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

(3.) The order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time an action is regularly brought by the person obtaining the order.

(4.) The order shall be dealt with in the action as the Court thinks fit.

Orders to hold to bail.

175.—(1.) Where an action is brought for the recovery of a sum exceeding 5*l.*, and it is proved that the defendant is about to abscond for the purpose of defeating the plaintiff's claim, the Court may, if it thinks fit, order that he be arrested and delivered into safe custody, to be kept until he gives bail or security, with a surety or sureties, in such sum, expressed in the order, as the Court thinks fit, not exceeding the probable amount of debt, or damages, and costs to be recovered in the action, that he will appear at any time when called on, while the action is pending, and until execution or satisfaction of any order made against him, and that, in default of appearance, he will pay any money and costs which he is ordered to pay in the action.

(2.) The expenses incurred for the subsistence of the defendant while under arrest shall be paid by the plaintiffs in advance at such rate and in such amounts as the Court directs; and the total amount so paid may be recovered by the plaintiff in the action, unless the Court otherwise directs.

(3.) The Court may at any time, on reasonable cause shown, discharge or vary the order.

(4.) An order to hold to bail shall state the amount, including costs, for which bail is required.

(5.) It shall be executed forthwith.

(6.) The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order, to abide the event of such action as may be brought, or on entering into a recognizance, without or with a surety or sureties, as the Court thinks fit, as security that he will abide by the orders of the Court in any action brought.

(7.) He shall be liable to be detained in custody under the order for not more than seven days, if not sooner discharged; but the Court may, from time to time, if it thinks fit, renew the order.

(8.) No person, however, shall be kept in custody under any such order and renewed order for a longer time than thirty days.

Orders other than for Payment of Money.

176.—(1.) Where the order of the Court is one ordering some act to be done other than payment of money, there shall be indorsed on the copy of it, served on the person required to obey it, a Memorandum in the words or to the effect following:—

If you, the within-named *A. B.*, neglect to obey this order within the time therein appointed, you will be liable to be arrested and your property may be sequestered.

(2.) Where the person directed to do the act fails to do it according to the order, the person prosecuting the order may apply to the Court for another order for the arrest of the disobedient person.

(3.) Thereupon the Court may make an order ordering and empowering an officer of the Court therein named to take the body of the disobedient person and detain him in custody until further order.

(4.) He shall be liable to be detained in custody until he has obeyed the order in all things that are to be immediately performed, and given such security, as the Court thinks fit, to obey the order in other respects (if any) at the future times thereby appointed.

Removal of Property.

177.—(1.) Where it is proved that the defendant, with intent to obstruct or delay the execution of any order obtained or to be obtained against him, is about to remove any property out of the jurisdiction of the Court, the Court may, if it thinks fit, on the application of the plaintiff, order that property to be forthwith seized and secured.

(2.) The Court may at any time, on reasonable cause shown, discharge or vary the order.

Compensation in case Order improperly obtained.

178.—(1.) If it appears to the Court that any order made under any of the last four foregoing Rules was applied for on insufficient grounds, or if the plaintiff's action fails, or judgment is given against him, by default or otherwise, and it appears to the Court that there was no sufficient ground for his bringing the action, the Court may, if it thinks fit, on the application of the defendant, order the plaintiff to pay to the defendant such amount as appears to the Court to be a reasonable compensation to the defendant for the expense and injury occasioned to him by the execution of the order.

(2.) Payment of compensation under this Rule is a bar to any action for damages in respect of anything done in pursuance of the order, and any such action, if begun, shall be stayed by the Court in such manner and on such terms as the Court thinks fit.

Seamen's Wages.

179. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under "The Mer-

chant Shipping Act, 1894,"* or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

Accounts, how to be taken.

180. When a judgment or order directs that any account be taken or inquiry made, such account shall be taken and inquiry made by such person as the Court shall direct; and all parties shall have the same power of summoning witnesses, including as witnesses any party in the action, and of examining them on such accounts or inquiries, and of compelling the production of documents, as they would have upon the trial of an action; and all rules as to summoning, swearing, and examining of witnesses and the production of documents at the trial, shall be applicable (so far as may be) to the summoning, swearing, examining, and production on taking any such accounts or prosecuting any such inquiries.

Registrar to appoint Time and Place for Inquiries, &c.

181. Where an order is issued for making inquiries or taking accounts, the Registrar shall direct all parties entitled to attend at the appointed place for the purpose of proceeding with such inquiries or accounts, by summons returnable not less than three days after date; and upon the day appointed, and at any adjourned sitting, the person appointed shall sit at the time and place appointed, and hear all parties interested, or their legal practitioners.

Books of Account to be taken as primâ facie Evidence.

182. Where an order directs accounts to be taken, any book of account in which the accounts required to be taken or any of them have been kept shall, unless the Court shall otherwise direct, be taken as *primâ facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objection thereto as they may be advised.

Registrar's Certificate.

183.—(1.) Where the Registrar or any other person has been ordered to certify to the Court on any matter, he shall present to the Court a certificate in writing signed by him; such certificate shall be prepared seven days before the day appointed for presenting the

same, and the Registrar shall give notice to all parties to the action that the certificate lies in his office for the inspection of any parties interested therein or affected thereby; and he shall deliver a copy thereof to any person requiring the same upon payment of the costs of such copy, at the rate of 6*d.* per folio of seventy-two words.

(2.) Where any person interested in or affected by the certificate of the Registrar, or person appointed under Rule 180, desires to have the same varied, he shall apply to the Court on the day appointed for presenting the certificate, and the Court shall thereupon hear and determine such application, and shall confirm or vary the certificate, and make such further order thereupon as it may think fit.†

(3.) If no application shall be made to vary the certificate it shall be confirmed by the Court, unless the Court thinks fit to otherwise order.

Further Directions.

184. Where the Registrar, Marshal, or any other person, has by any order been directed to do any act, and it may be found necessary to have further directions or an order of the Court for carrying the same into effect, he may apply to the Court for such direction or order, and thereupon the Court may give such directions or make such order as it may think fit, or may appoint a time to hear all parties; and if the Court shall make such appointment for hearing it shall operate as a stay of proceedings in the action until the day so appointed, if the Court shall so direct.

Enforcement of Judgments and Orders.

Warrant of Sequestration.

185. When a person against whom a warrant of arrest is issued cannot be found, or, being in custody, refuses or neglects to comply with the order made against him, a warrant of sequestration may be issued against his goods on the application of the other party (Form 73).

In case of Default, Execution may issue.

186. When a defendant has made default in payment of the amount awarded by the judgment, or of any instalment thereof, a warrant of execution may issue without leave of the Court for the whole amount of the judgment and costs then remaining unsatisfied, unless, in the case of instalments, the Court shall otherwise specially direct.

Indorsement on Warrant.

187. The Registrar shall indorse on every warrant of execution the amount to be levied, distinguishing the amount adjudged to be paid and the amount of the fee for issuing the warrant, and shall prepare and deliver to the Marshal a notice in the proper form, and the Marshal, when he levies, shall deliver such notice to the party against whom the execution has been issued, or leave it at the place when the execution is levied (Form 74).

Date and Duration of Warrant.

188. Every warrant of execution against the goods shall bear date on the day on which it was issued, and shall continue in force for twelve calendar months from such date, and no longer (Form 75).

Extension of Judgment.

189.--(1.) Where a judgment has been obtained for any debt, damages, or costs, the Court, after the expiration of the time limited for appealing against such judgment, or if, on appeal, the judgment is not reversed or execution is not stayed, may, on the application of the judgment creditor and upon proof that the judgment has not been satisfied, grant a certificate under the official seal of the validity of the judgment.

(2.) On the production of the certificate to any other Court established under the principal Order it shall be registered in that Court, and all reasonable costs and charges attendant upon such registration shall be added to and recovered in like manner as if they were part of the original judgment.

(3.) When a certificate has been registered in a Court under this Rule, proceedings may be taken in execution or by judgment summons, in like manner as if the judgment had been obtained in that Court.

(4.) On proof of the setting aside or satisfaction of a judgment of which a certificate has been registered the Court in which the certificate has been registered may order the registration to be cancelled.

Summons to Judgment Debtor.

190.--(1.) Where an order ordering payment of money remains wholly or in part unsatisfied, whether an execution order has been made or not, the person prosecuting the order (in these Rules called the judgment creditor) may apply to the Court for a summons ordering a person by whom payment is to be made (in this Order

called the judgment debtor) to appear and be examined respecting his ability to make the payment; and the Court shall, unless it see good reason to the contrary, grant a summons accordingly (Forms 77 and 78).

(2.) Every judgment summons under this Rule shall be issued and be served personally five clear days, at least, before the day on which the judgment debtor is required to appear, except in the case provided for by section (3) of this Rule.

(3.) Where the applicant shall state to the Registrar that the judgment debtor is about to remove from his dwelling or place of business, or is keeping out of the way to avoid service, then the judgment summons may be issued and served at any time before the hearing. But the Court shall not act upon a summons issued under this Rule unless at the hearing it is satisfied by evidence on oath that at the time of the application the facts were as stated by the applicant.

(4.) A judgment summons may issue without leave of the Court except where the judgment is more than six years old.

(5.) The hearing of a judgment summons may be adjourned from time to time.

(6.) Upon the issue of a judgment summons against a party, the Marshal shall return into Court any warrant of execution against the goods of such party which may have been issued in the action.

(7.) Any witness may be summoned to prove the means of a judgment debtor in the same manner as witnesses are summoned to give evidence at a trial.

Examination of Judgment Debtor.

191.—(1.) On the appearance of the judgment debtor, he may be examined on oath by or on behalf of the judgment creditor and by the Court respecting his ability to pay the money ordered to be paid, and for discovery of property applicable thereto, and respecting his disposal of any property.

(2.) He shall produce, on oath or otherwise, all books, papers, and documents in his possession or power relating to any property applicable to payment.

(3.) Whether the judgment debtor appears or not, the judgment creditor, and any witness whom the Court thinks requisite, may be examined, on oath or otherwise, respecting the same matters.

(4.) The Court may, if it thinks fit, adjourn the examination from time to time, and require from the judgment debtor such security for his appearance as the Court thinks fit; and, in default of his finding security, may, by order, commit him to the custody of

an officer of the Court, there to remain until the adjourned hearing, unless sooner discharged.

Committal for Non-payment.

192. If it appears to the Court, by the examination of the judgment debtor or other evidence, that the judgment debtor then has sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the order, then and in any such case the Court may, if it thinks fit, by order, commit him to prison for any time not exceeding forty days.

Amendment of Order.

193. On the examination, the Court, if it thinks fit, whether it makes an order for commitment or not, may rescind or alter any order for the payment of money by instalments or otherwise, and may make any further or other order, either for the payment of the whole amount forthwith, or by instalments, or in any other manner, as the Court thinks fit.

Bankrupt not to be committed.

194. When on the return day of a judgment summons the judgment debtor shall satisfy the Court that he has been adjudicated a bankrupt, and that the debt was provable in the bankruptcy, or that, in respect of the debts, resolutions have been duly registered under any bankruptcy law for the time being in force, no order of commitment shall be made.

Where, after commitment, the judgment debtor shall file in Court an affidavit to the same effect, and at the same time give notice to the judgment creditor of the filing of the affidavit, the order of commitment shall not issue, or, if issued, shall be recalled.

Commitment of Debtor

195.—(1.) An order of commitment of a judgment debtor shall bear date on the day on which it was made, and shall continue in force for one year from such date and no longer, unless the Court thinks fit to enlarge the time by an extension indorsed on the order of commitment (Forms 79 and 80).

(2.) When an order of commitment for non-payment of money is issued, the defendant may—

(a.) Before being delivered into the custody of the gaoler pay to the Marshal the amount indorsed on the order, on receipt of

which the Marshal shall discharge the defendant, and shall, within twenty-four hours, pay over to such person as the Court may from time to time appoint the amount received ; or

(b.) After being delivered into the custody of the gaoler, pay the amount indorsed on the order of commitment into Court or to the gaoler in whose custody he is. When the money is paid into Court, the Registrar shall sign and seal a certificate of payment, upon receipt of which the gaoler shall forthwith discharge the judgment debtor; when it is paid to the gaoler he shall sign a certificate of payment and forthwith discharge the judgment debtor, and shall pay over the amount so received to the proper officer within twenty-four hours (Form 81).

Costs on Default of Appearance of Judgment Creditor.

196. If a judgment debtor appears on the return day of a judgment summons, but the judgment creditor fails to appear, the Court may award costs to the judgment debtor.

Prison Expenses of Debtor.

197.—(1.) The expenses of the judgment debtor's maintenance in prison shall be defrayed in the first instance by the judgment creditor, and may be recovered by him from the judgment debtor, as the Court directs.

(2.) The expenses shall be estimated by the Court, and shall be paid by the judgment creditor at such times and in such manner as the Court directs.

(3.) In default of payment the judgment debtor may be discharged if the Court thinks fit.

Effect of Imprisonment of Debtor.

198. Imprisonment of a judgment debtor under the foregoing provisions does not operate as a satisfaction or extinguishment of the debt or liability to which the order relates, or protect the debtor from being anew imprisoned for any new default making him liable to be imprisoned, or deprive the judgment creditor of any right to have execution against his goods, as if there had not been such imprisonment.

Discharge of Debtor.

199. The judgment debtor, on paying at any time the amount ordered to be paid, and all costs and expenses, shall be discharged.

Costs of enforcing a Payment.

200. All costs incurred by a plaintiff in endeavouring to procure or enforce an order or judgment shall be deemed to be due in pursuance of such order or judgment, unless the Court shall otherwise order.

No Proceedings to be taken on Judgment after Six Years without leave.

201. No warrant against the goods or judgment summons shall issue on a judgment more than six years old, unless some payment has been made by the judgment debtor into Court within twelve calendar months previously, or unless by leave of the Court; but no notice need be given to the debtor before applying for such leave, and such leave shall be expressed on the warrant or judgment summons under the seal of the Court.

Orders within Local Jurisdiction.

202.—(1.) Ordinarily, an order of a Provincial Court shall not be enforced out of the Consular district of the Consular officer making the order.

(2.) Where, however, a Provincial Court thinks that the urgency or other peculiar circumstances of the case so require, that Court may, for reasons recorded in the Minutes, order that any particular order be enforced out of the particular district.

*Interpleader.**Interpleader Summons.*

203. Where a person seeking relief is under liability for any debt, money, goods or chattels, for or in respect of which he is or expects to be sued by two or more parties making adverse claims thereto, he may apply for an interpleader summons calling on the claimants to appear and state the nature and particulars of their claims and either maintain or relinquish them (Form 82).

Before issuing the summons the Court must be satisfied by affidavit or otherwise—

(a.) That the applicant claims no interest in the subject-matter in dispute other than for charges and costs;

(b.) That the applicant does not collude with any of the claimants;

(c.) That the applicant is willing to pay or transfer the subject-matter into Court or dispose of it as the Court may direct.

On the return day of the summons, whether the claimants appear or not, the Court may direct in what manner the dispute between the claimants shall be tried, and shall proceed to or adjourn the trial as may seem most expedient.

If the original applicant is the defendant in an action which has already been commenced, the Court may stay all future proceeding in such action.

Interpleader in Execution Proceedings.

204. Where any claim is made to, or in respect of, anything taken in execution under the process of the Court, or in respect of the proceeds or value thereof, the Marshal shall apply to the Court for an interpleader summons, and the Registrar shall issue such summons without leave of the Court (Form 83).

The case shall proceed as if the claimant were the plaintiff, and the execution creditor the defendant.

Particulars and Grounds of Claim.

205. Two clear days before the return day of the summons under the preceding rule, the claimant shall deliver to the Marshal, or leave at the office of the Registrar, particulars of the goods or chattels he alleges to be his property, and the ground of his claim, or, in case of a claim for rent, of the amount of such rent, and for what period, and in respect of what premises the rent is claimed to be due; and the name, address, and description of the claimant shall be fully set out in such particulars, and any money paid into Court under the execution shall be retained by the Registrar until the claim has been adjudicated upon; but by order of the Court, or with the consent of all parties, an interpleader claim may be tried, although this Rule has not been complied with.

Claim for Damages.

206. Where a claimant to goods taken in execution claims damages from the execution creditor or from the Marshal for, or in respect of, the seizure of the goods, he shall, in the particulars of his claim, state the amount he claims for damages, and the ground upon which he claims such damages. And where he claims damages from the Marshal, arising out of the execution of any process, he shall, three clear days before the return day, deliver to the Marshal a notice of his claim, stating the grounds for, and the amount of, such claim.

Payment into Court of Damages claimed.

207. Where a claim for damages is made against the Marshal and execution creditor, or either of them, they or either of them may pay into Court an amount in full satisfaction of such claim; and such payment into Court shall be made in the manner, and have the same effect, and the parties respectively shall have the same rights and remedies as they would have by the practice of the Court if the proceedings had been an action in which the claimant was plaintiff and the Marshal and judgment creditor were defendants.

Marshal's Costs where Decision against Claimant.

208. Where the claim under any interpleader summons shall be decided against the claimant, the costs of the Marshal allowed by the Court shall be retained by the Marshal out of the amount levied, unless the Court shall otherwise order, but without prejudice to the right of the execution creditor against the claimant for the sum so retained.

Service of Interpleader Summons.

209. An interpleader summons shall be served in the same time and mode as has been directed for the service of a summons in an action.

Where Assignor disputes an Assignment.

210. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice that the assignment is disputed by the assignor or any one claiming under him, or has had notice of any other opposing or conflicting claim to such debt or chose in action, he may, within five days after service of the summons, apply to the Registrar for the summons against the assignor, or the person making such conflicting claim, and the Registrar shall thereupon issue an interpleader summons, returnable as soon as conveniently may be; and upon the return day the Court shall hear the case of the defendant and of the plaintiff in the action, and also of the assignor disputing such assignment, or of the person making such opposing or conflicting claim, and shall give such judgment therein as shall finally determine the rights and claims of all parties as if the same had been an ordinary action into which a third party had been introduced by counter-claim.

Defendant in an Action by Assignee may pay Money into Court

211. Where the defendant in an action brought by the assignee of a debt or chose in action has had notice as in the last preceding

Rule mentioned, and thinks fit to pay the debt and costs into Court to abide its decision, he shall, upon such payment into Court, give to the Registrar the name of the person against whose dispute of the assignment or conflicting claim he desires to be protected; and the Registrar shall thereupon give notice to such person, and on the return day the Court shall determine the rights of the parties, and may, if it thinks fit, order the defendant to pay all or any part of the costs.

Arbitration.

Arbitrators and Umpires.

212.—(1.) Unless the submission otherwise provides, the reference shall be to a single Arbitrator.

(2.) If the reference is to two Arbitrators, the two Arbitrators may appoint an Umpire at any time within the period during which they have power to make an award (Form 84).

(3.) When the parties do not concur in the appointment of a single Arbitrator, or when one party makes default in appointing one of two Arbitrators, or when an Arbitrator or Umpire refuses to act, or becomes incapable of acting, or dies, any party may serve the other parties or the Arbitrators (as the case may be) with notice to make such appointment or supply such vacancy; and if the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, appoint an Arbitrator or Umpire, who shall act in like manner as if he had been appointed by consent of all parties.

(4.) The parties to the reference, and all persons claiming under them, shall, subject to any legal objection, submit to be examined by the Arbitrators or Umpire in relation to the matters in dispute, and shall, subject as aforesaid, produce all such books, papers, and other documents as may be required of them.

Award.

213.—(1.) The Arbitrators shall make their award within three months after entering the reference, or being called on to act by a notice in writing, unless the order for reference contains a different limit of time (Form 85).

(2.) The Court may, if it thinks fit, on application, enlarge the time for making award, the reasons for enlargement being on each occasion entered in the Minutes.

(3.) If the Arbitrators have allowed their time to expire without making an award, or cannot agree, an Umpire may enter on the reference in lieu of the Arbitrators.

(4.) The Umpire shall make his award within one month after the expiration of the time fixed for the making of award at the time when he entered on the reference. The award shall be in writing, signed by the Arbitrators or Umpire making it.

(5.) It shall contain a conclusive finding, and not find on the contingency of any matter of facts afterwards substantiated or deposed to.

(6.) It shall comprehend a finding on each of the several matters referred.

(7.) The award shall be final and binding on the parties and the persons claiming through them respectively.

Questions of Law.

214.—(1.) Where it appears to the Arbitrators or Umpire that any difficult question of law is involved in or raised by the facts as finally ascertained by them or him, they or he may, if it seems to them or him fit, state the award as to the whole or any part thereof in the form of a case for the opinion of the Court.

(2.) The Court shall consider and deliver judgment on the case, as with any other special case.

Costs.

215.—(1.) The Arbitrators or Umpire shall have power to award the costs of the reference in the whole or in part.

(2.) But an award respecting costs shall not preclude a party against whom costs are awarded from applying to the Court to tax the costs, and on that application the costs, including the remuneration (if any) of the Arbitrators and Umpire, or any of them, shall be taxed at a reasonable rate by the Court, and the Court shall make such order respecting the costs of taxation as the Court thinks fit.

Confirmation of Award.

216.—(1.) The Arbitrators or Umpire making an award shall, within the time limited, deposit the award in the proper office of the Court, inclosed in a sealed cover and indorsed with the names of the parties to the reference, and with a note of the amount claimed by the Arbitrators and Umpire for remuneration (Form 86).

(2.) Notice of the award having been deposited shall be served by the Court on the parties, who shall be at liberty to read the award, and to have copies of it.

(3.) Any person interested may, within fourteen days after notice of the award, apply to the Court to prevent the execution of the award, or of any specified part of it.

(4.) In default of any such application the award shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents as if given by the Court, and execution may issue and all things be done thereupon as upon a judgment of the Court.

Matter may be remitted for reconsideration.

217. The Court may at any time remit the matters referred, or any of them, to the reconsideration and redetermination of the Arbitrators or Umpire, or may, in case of the Arbitrators refusing or neglecting to act, or with the consent of both parties, revoke the reference, or order another reference to be made in the same manner, on such terms as to costs and other matters as the Court thinks fit.

Irregularity.

218. The Court shall not refuse to execute an award merely on the ground of irregularity in the submission, or during the reference, where the irregularity has not been substantially prejudicial to any party objecting.

Attachment of Debts.

Order for Examination of Defendant.

219. Where a plaintiff is desirous that the defendant shall be orally examined after judgment has been given against him as to what debts are due and owing or accruing to him, the plaintiff shall, before such examination, give the Registrar a statement in writing of the name, address, and description of the person or persons within the jurisdiction of the Court, whom he considers to be indebted to the defendant.

Examination of the Defendant.

220. When such a statement has been lodged, the defendant, after judgment has been given against him, may be examined before the Court as to any debts due, owing, or accruing to him from any persons mentioned in the statement, and if any such person be then present, he may be required forthwith, if he admits the debt, to show cause why he should not be ordered to pay into Court, for the benefit of the judgment creditor, the amount of such debts or such portion of it as will satisfy the judgment debt; and the Court may make an order for the payment of such debt or such portion as will satisfy the judgment debt, and such order may be enforced in the

same manner as any other order of the Court, and when such person pays the money so ordered, he shall not be liable for any costs. A receipt shall be given for the same to the person paying the same, which shall be a sufficient discharge and acquittance for such amount as between the person paying and the judgment debtor (Form 87.)

Proceedings against Garnishee.

221. A plaintiff who has not previously lodged such a statement as required by Rule 219, and who has obtained a judgment or order for the recovery and payment of money, or a defendant who has obtained such judgment against the plaintiff, may at any time lodge with the Registrar an affidavit that the judgment or order is unsatisfied, and that a third person (hereafter alluded to as the garnishee) is indebted to the judgment debtor, and is within the jurisdiction of the Court as regards such debt; and the Registrar shall thereupon issue a summons to the garnishee at the suit of the judgment creditor for the amount due by the garnishee to the judgment debtor, or such portion of it as may be sufficient to satisfy the judgment or order (Form 88).

Service of Garnishee Summons.

222. The summons shall be personally served on the garnishee, and shall have the effect of preventing his parting with or disposing of any debt due, owing, or accruing from him to the judgment debtor.

No Costs where Garnishee pays.

223. Where the garnishee shall pay into Court three clear days before the return day of the summons the amount due from him to the judgment debtor, or an amount equal to the judgment or order, he shall not be liable for any costs.

Order on Garnishee Summons.

224. Upon the return day of the summons the Court shall determine as to the liability of the garnishee, and as to the party by whom the costs of the proceedings shall be paid, and make an order in accordance with such decision.

Appeal to Supreme Court.

Applications for leave to Appeal.

225. Where an application for leave to appeal is made in a Provincial Court or in the Supreme Court it shall be made by

motion in open Court, and if leave is given the appellant shall file his motion-paper of appeal in the Provincial Court within seven days after leave given by the Provincial Court, and within fourteen days after leave given by the Supreme Court, as the case may be.

Notice of Appeal.

226.—(1.) An appeal to the Supreme Court shall not lie from an order of a Provincial Court, made on the application of one party without notice to the other party.

(2.) But, if any person thinks himself aggrieved by such an order, he may, on notice to the other party, apply to the Provincial Court to vary or discharge the order, and an appeal shall lie from the decision on that application.

Security for Costs.

227.—(1.) The appellant shall give security to the satisfaction of the Provincial Court to an amount not exceeding 50*l.* for prosecution of the appeal, and for payment of any costs that may be ordered by the Supreme Court on the appeal to be paid by the appellant to any person.

(2.) The appellant shall pay to the Provincial Court such sum as the Provincial Court thinks reasonable, to defray the expense of the making up and transmission of the record to the Supreme Court.

Time for Appeal.

228.—(1.) After three months from the date of a decision of the Provincial Court, an appeal against it shall not lie except by leave of the Supreme Court.

(2.) After six months from the date of a decision of the Provincial Court, application for leave to appeal against it shall not be entertained by the Supreme Court.

Execution pending Appeal.

229.—(1.) Where a person ordered to pay money, or to do any other thing, appeals, the Provincial Court shall direct either that the decision appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as that Court thinks fit.

(2.) If the Provincial Court directs the decision to be carried into execution, the person in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for performance of any order to be made on appeal.

(3.) If the Provincial Court directs the execution of the decision to be suspended, the person against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Provincial Court for performance of such order as shall be made on appeal.

Appeal Motion.

230.—(1.) In every appeal the appellant shall file an appeal motion-paper in the Provincial Court.

(2.) He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

(3.) Copies of the motion-paper and the argument (if any) shall be served on such persons as respondents as the Provincial Court directs.

Cross Appeal.

231.—(1.) A respondent may, within fourteen days after service of the motion-paper, file in the Provincial Court a motion-paper of cross-appeal, and such argument as he desires to submit to the Supreme Court on the appeal and cross appeal (if any).

(2.) Copies thereof shall be furnished by the Provincial Court to such persons as that Court thinks fit.

Record of Appeal.

232.—(1.) On the expiration of the prescribed time last referred to, the Provincial Court shall, without the application of any party, make up the record of appeal, which shall consist of the writ of summons, particulars, statements of claim and defence (if any), orders and proceedings, all written and documentary evidence admitted or tendered, or a certified copy thereof, and the notes of the oral evidence, the appeal and cross-appeal motion-paper, and the arguments (if any).

(2.) The several pieces shall be fastened together, consecutively numbered; and the whole shall be secured by the seal of the Court, and be forthwith forwarded by it to the Supreme Court.

(3.) The Provincial Court shall not, except for some special cause, take on itself the responsibility of the charge, or of the transmission to the Supreme Court of original letters or documents produced in evidence. They shall be returned to the parties producing them, and those parties shall produce the originals if required by the Supreme Court at or before the hearing of the appeal.

Exclusive Powers of Supreme Court.

233.—(1.) After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in exclusive possession of the whole action, as between the parties to the appeal.

(2.) Every application in the action, as between the parties to the appeal, shall be made to the Supreme Court, and not to the Provincial Court; but any application may be made through the Provincial Court.

Appointment of Day for hearing Appeal.

234.—(1.) The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing of the appeal, and shall give notice thereof through the Provincial Court to the parties to the appeal, such a day being fixed as will allow of the parties attending in person, or by a legal practitioner, if they so desire.

(2.) But if all the separate parties to an appeal appear in person before the Supreme Court, or appoint persons there to represent them as their legal practitioners in the appeal, and cause the appearance or appointment to be notified to the Supreme Court, the Supreme Court may dispose of the appeal, without being required to give notice through the Provincial Court to the parties to the appeal of the day fixed for the hearing thereof.

Personal Appearance.

235. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal.

New Evidence.

236. It is not open, as of right, to a party to an appeal to adduce new evidence in support of his original case; but a party may allege any material facts that have come to his knowledge after the decision of the Provincial Court, and the Supreme Court may in any case, if it thinks fit, allow or require new evidence to be adduced.

General Powers of Supreme Court on Appeal.

237.—(1.) The Supreme Court may make any orders necessary for determining the real question in controversy in the action as among the parties to the appeal, and for that purpose may amend any defect or error in the record of appeal, and may enlarge the time for any proceeding except as otherwise by this Order expressly provided.

(2.) The Supreme Court may direct the Provincial Court to inquire into and certify its finding on any question, as between the parties to the appeal, or any of them, which the Supreme Court thinks fit to determine before final judgment is given in the appeal.

(3.) Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole action as if it had been originally instituted and prosecuted in the Supreme Court by parties subject to the original jurisdiction of the Supreme Court.

(4.) The Supreme Court may, if it thinks fit, remit the action to the Provincial Court, to be reheard, or to be otherwise dealt with as the Supreme Court directs.

(5.) The powers of the Supreme Court may be exercised, notwithstanding that the appeal is brought against part only of the decision of the Provincial Court.

(6.) Those powers may be exercised in favour of all or any of the parties to the action, although they have not appealed from, or complained of, the decision.

Rehearing in Supreme Court.

Time for Application for Rehearing.

238. Where a final order has been made, an application for a rehearing in the Supreme Court shall be made within fourteen days after the making of the final order.

Security.

Security by Bond.

239.—(1.) In all cases where a party proposes to give a bond by way of security, he shall serve on the opposite party and on the Registrar at his office notice of the proposed sureties in the proper form; and the Registrar shall forthwith give notice to both parties of the day and hour on which he proposes that the bond should be executed, and shall state in the notice to the person in whose favour the security is given that he must at that time be prepared to make any valid objection he may have to the sureties or either of them (Forms 89 and 90).

(2.) The sureties shall make an affidavit of their sufficiency whenever the opposite party shall give notice that the same is required (Form 91).

(3.) The bond shall be executed in the presence of the Court or of the Registrar, and shall be deposited with the Registrar until the cause is finally disposed of.

(4.) No officer of the Court shall, under any circumstances, become surety in any case where, by the practice of the Court, security is required.

Deposit in lieu of Bond.

240. Where a party makes a deposit of money in lieu of giving a bond, he shall forthwith give notice to the opposite party of such a deposit having been made.

Security for Costs by foreign Plaintiff.

241. When a foreign plaintiff has made a deposit, or given security for costs, he may give notice to the defendant, if successful, to tax costs within a certain time, to be named in such notice, being not less than seven clear days after judgment, and if the defendant fail, without good reason, to send in his bill of costs for taxation by the time named in the notice, the deposit shall be returned to the plaintiff, or the security cancelled.

But the return or cancellation shall not derogate from the right of the defendant to recover such costs from the plaintiff in such manner as may be open to him.

*Costs.**Taxation of Costs.*

242.—(1.) All costs shall be taxed by the Registrar, subject to revision by the Court.

(2.) On receipt of the bill of costs of the party entitled thereto the Registrar shall fix a day for taxation, and give notice thereof to the parties.

(3.) At the appointed time the Registrar shall proceed to tax the costs, according to the Rules and the Schedules of costs, setting down in the column reserved for that purpose against each item the amount (if any) which he disallows. At the conclusion of the taxation the disallowance column is to be added up, and the sum deducted from the original amount of the bill; the difference so obtained is the sum at which the bill is taxed. The Registrar shall make a memorandum at the foot of the bill as follows:—

“Taxed at

“A. B.,

“Registrar.”

(4.) All bills of costs are to be dated and entitled in the action to which they refer, and are to be distinguished as “plaintiff’s costs,” or “defendant’s costs,” as the case may be. They must be ruled on the right-hand side with double money columns, only one of which is to be filled up, the other being reserved for the entry by the Registrar of his disallowance.

Costs of Witnesses.

243. The costs of witnesses, whether they have been examined or not, may be allowed, though they have not been summoned, unless the Court otherwise orders. In such cases, the Court shall give special directions as to the amounts to be allowed.

Appropriation of Moneys paid into Court.

244. Money paid into Court on a judgment shall be appropriated first in satisfaction of the Court fees and costs, and afterwards in satisfaction of the original demand.

Costs of Warrant against Goods.

245.—(1.) Costs of warrants against the goods, whether executed or unexecuted or unproductive, shall be allowed against the party against whose goods the warrant is issued, unless the Court shall otherwise direct.

(2.) On the hearing of a judgment summons, where a warrant against the goods has been issued, the costs of such warrant shall not be allowed against the judgment debtor unless the Court is satisfied that there was a reasonable cause for issuing the warrant.

No Costs of Judgment Summons unless order made.

246. The costs of a judgment summons shall not be allowed against the judgment debtor unless some order shall have been made thereon; but where an order is made on a judgment summons the Court may, in its discretion, allow the costs against the judgment debtor of any previous judgment summonses which have not been served through the judgment debtor having evaded service.

Costs of Warrant of Commitment.

247. Costs of warrants of commitment, whether executed or unexecuted, shall be allowed against the defendant, unless the Court shall otherwise order.

Possession Fee.

248. No possession fee shall be payable where an execution is paid out at the time of the levy; but if the officer shall necessarily remain in possession more than half-an-hour, and the execution shall be paid out on the day of levy, the possession fee for that day shall be charged.

Appraisement.

249. No appraisement is to be made until the fifth day of the Marshal holding possession of the goods under an execution unless where the goods are of a perishable nature, or are sold at the request of the party before the expiration of four days, or unless the goods are removed.

*Practice.**Change of Legal Practitioner.*

250. Where any party changes his legal practitioner he shall give notice in writing of such change to the Registrar, stating the name and place of business of the new legal practitioner, and the Registrar shall file the notice.

Copies of Documents.

251. Copies of all proceedings or documents to be prepared by the Registrar shall be prepared by him for any party requiring the same, upon prepayment of the costs of such copies.

Folios.

252. A folio is to comprise seventy-two words; every figure, or uninterrupted group of figures, being counted as one word.

Service on Legal Practitioner deemed Service on Party.

253. Where a party acts by a legal practitioner, service of any proceeding or document upon such legal practitioner, or delivery of the same at his office, shall be deemed to be good service upon the party for whom the legal practitioner acts, except in cases where personal service is required.

Practice on Service by Legal Practitioner.

254. Where a party or his legal practitioner undertakes a service of any process, he shall make the necessary copies of such process, and deliver them to the Registrar with the amount of the fees payable thereon, and the Registrar shall seal the process and return them to the legal practitioner for service.

Notice of Interlocutory Proceedings may be served by Party.

255. Any notice relating to any interlocutory proceedings may, by leave of the Registrar, be served by the party or his legal

practitioner requiring to effect such service; but the costs of such service and the proof thereof shall not be allowed except by the order of the Court.

No Service of Order of Adjournment.

256. Where any action is adjourned, no order of adjournment shall be served on either party unless by direction of the Court.

Postponement of Trial.

257. Where it appears to the Court that, from the course of proceedings in any action, the trial cannot be held on the return day of the summons, the Court may postpone the trial until such other day as the state of the proceeding requires, and give notice of such postponement to all parties and persons interested.

Filing of Documents.

258. Where any particulars or other documents are directed to be filed they shall be filed with the Registrar, together with as many copies thereof as there are parties to be served, and the names, addresses, and description of such parties, and an additional copy for the use of the Court if required.

Issue of Documents.

259. Before any summons, notice, or other document, or any copy thereof, shall be issued by the Registrar, the fees shall be fully paid by the party requiring the same, and the document shall be sealed with the seal of the Court.

Computation of Period of Time.

260.—(1.) In all cases where anything is required by the rules of practice to be done within a period of twenty-four hours, or within a period of forty-eight hours, no part of Sunday or any day on which the offices of the Court shall be lawfully closed shall be included in the computation of such period.

Detinue.

Judgment in Detinue.

261. The judgment in detinue, if for the plaintiff, shall be for the value of the goods detained, together with the sum to be stated

in the judgment by way of damages for the detention and costs; but it may be made part of the order that on the payment of damages for the detention and costs, and return of the goods on or before a date to be named, satisfaction shall be entered (Form 92).

Execution for Delivery of Property.

262. Where it is sought to enforce a judgment or order for the recovery of any property other than land or money the Court may, upon the application of the plaintiff, order that a warrant of delivery shall issue for the delivery of the property, and that if the property cannot be found the Marshal shall distrain the defendant of all his goods and chattels within the jurisdiction of the Court till the defendant deliver the property, or, at the plaintiff's option, that the Marshal shall cause to be made of the defendant's goods the assessed value (if any) of the property (Form 93).

Special Case.

263. The parties to an action may, at any time after the summons has been issued, agree in stating any questions of law in the form of a special case for the opinion of the Court, and may agree in writing that, on the judgment of the Court being given in the affirmative or negative of the questions of law raised, a sum of money agreed upon by the parties, or to be ascertained in such manner as the Court may direct, shall be paid by one of the parties to the other of them, either with or without costs; and the judgment of the Court may, on the decision of the special case, be entered for the sum so agreed or ascertained, with or without costs, as the case may be, and execution may issue thereupon (Form 94).

Special Case for Opinion of Supreme Court.

264. If the action is in a Provincial Court, the parties may by agreement state the question in the form of a special case for the opinion of the Supreme Court, and Rule 263 shall apply.

Reference of a Point of Law to Supreme Court.

265. When during the hearing of any case a difficulty in point of law arises which a Provincial Court deems expedient to refer to the Supreme Court, the Provincial Court is to decide upon the facts and enter its verdict thereon, subject to a special case to be determined by the Supreme Court.

Mode of Drawing Case.

266.—(1.) When the parties are represented by legal practitioners, the case should be drawn by the legal adviser of the plaintiff, and settled by the legal adviser of the defendant, and if any difference arises between them as to the form of the case, the Court will finally settle it.

(2.) If the plaintiff and defendant are unrepresented, and from any reason are unable to draw a case, the Court will do so in consultation with the parties.

(3.) Every special case shall be divided into paragraphs numbered consecutively, and shall concisely state such facts and documents as may be necessary to enable the Court to decide the questions raised thereby, and shall be signed by the parties. The argument of the case shall be subject to the Rules on that behalf for the time being in force in the Supreme Court.

When Settlement of Case not proceeded with, Court to settle it.

267. If either party refuses to proceed with the settlement of the special case, the party desirous of proceeding shall prepare the case, and serve a copy of it on the other side, and if he refuses or neglects to proceed with the settlement of it within seven days, a summons may be taken out by the proceeding party calling on the other party to show cause why the Court shall not settle the case. On the return day of the summons the Court shall settle the case, whether the opposite party be present or not.

Transmission of Special Case for Supreme Court.

268. When a special case for the opinion of the Supreme Court is ready, the Provincial Court shall, on receipt of the legal fees, forward it under cover to the Registrar of the Supreme Court together with all documents alluded to in the case; and the Supreme Court will, upon receipt of the case, fix a day for the argument, and give notice thereof to the Provincial Court, and thereupon that Court shall take all requisite steps to acquaint the parties.

The Provincial Court may, if it considers it necessary to do so, before forwarding the case to the Registrar of the Supreme Court cause either or both parties to enter into recognizances to abide the decision of the Supreme Court, and to pay all costs arising out of the special case.

*Bankruptcy Proceedings.**Commencement of Proceedings.*

269. Proceedings in bankruptcy subsequent to an act of bankruptcy are originated by a bankruptcy petition presented either by a creditor or by the debtor under the provisions of the Bankruptcy Acts, 1883 and 1890.

Appointment and Duties of Receiver.

270.—(1.) On the hearing of a bankruptcy petition the Court may make a receiving order and appoint a receiver of the property of the debtor.

(2.) The Receiver, unless he is an officer of the Court, shall give such security as the Court may direct.

(3.) Save as provided by these Rules the Receiver shall exercise the power and perform the duties of an Official Receiver under the Bankruptcy Acts, 1883 and 1890. He may be removed by the Court.

(4.) In the case of the death, incapacity, or removal of a Receiver the Court shall appoint another Receiver in his place.

(5.) The remuneration of the Receiver shall be fixed at the first meeting of creditors, and shall be approved by the Court. If it is not so fixed, or if it appears to be inadequate, the Court may, on the application of the Receiver, fix his remuneration.

Appointment of Special Manager.

271. The powers of an Official Receiver with respect to the appointment of a Special Manager under section 12 of "The Bankruptcy Act, 1883," shall be exercised by the Court, and any Special Manager may be removed by the Court.

Appointment and Duties of Trustee.

272.—(1.) The appointment by the creditors of a Trustee under section 21 of "The Bankruptcy Act, 1883," shall be subject to the approval of the Court, and if the Trustee is so approved, he shall give security to the satisfaction of the Court.

(2.) The Receiver may be appointed Trustee.

(3.) The Court may disapprove the appointment on any ground on which the Board of Trade may object to the appointment of a Trustee under section 21 (2) of "The Bankruptcy Act, 1883."

(4.) The Trustee shall furnish to the Court such a report with respect to the bankrupt's conduct and affairs as is required to be made by the Official Receiver under section 8 (2) of "The Bankruptcy Act, 1890." The report shall be filed in the registry, and shall be considered by the Court at the hearing of the bankrupt's application for discharge.

(5.) If a vacancy occurs in the office of Trustee, the Court may appoint a fit person, who may be an officer of the Court, to act as Receiver and Manager until another Trustee is appointed. The person so appointed shall forthwith call a meeting of creditors for the purpose of filling the vacancy.

Duties as to Debtor's Conduct and Estate.

273. Save as provided in these Rules it shall be the duty of the Receiver or Trustee, as the case may be, to perform the duties of the Official Receiver under sections 60 and 70 of "The Bankruptcy Act, 1883."

Modifications of Provisions of Bankruptcy Acts.

274.—(1.) The powers of the Board of Trade or of the Court on the application or representation of the Board of Trade shall, in China and Corea, be exercised by the Court itself.

(2.) Any notice required under the Bankruptcy Acts or Rules to be published in the "London Gazette" shall be deemed to be duly published if it is published in such manner as the Court may direct in China or Corea, Hong Kong, the United Kingdom, or elsewhere.

Probate and Administration.

Probate.

275. Probate may be granted to the executors of any person having property within the jurisdiction of the Court who shall die leaving a will.

Administration.

276. Letters of administration may be granted to the next-of-kin, being of the age of 21 years, of any person having property within the jurisdiction of the Court, or, failing the next-of-kin, or if the next-of-kin shall not appear on citation, then to the Registrar or some other person to be appointed by the Court.

Administration with Will annexed.

277. Letters of administration with will annexed may be granted in the case of persons who shall die leaving a will in which no executor is named resident within the jurisdiction of the Court, or where the executors shall not appear on citation, or shall renounce, or from any legal disability are not competent to take out probate (Form 106).

Power of Revocation to be reserved.

278. When administration with will annexed is granted, full power is to be reserved to revoke the administration and grant probate to any executor who shall appear and demand it.

Limitations.

279. All probates and administrations must be limited to property of the deceased existing within the limits of the Principal Order.

Petition for Probate or Administration.

280. As soon as convenient after the death, the executor or executors named in the will, or the next-of-kin or other person desiring administration, may file a petition in the Court, and thereupon the Court shall issue a citation, which may either be posted up in some public place, or advertised in such newspapers in China or Corea or elsewhere as the Court shall think necessary to insure due publicity (Forms 95, 96, 102, and 103).

If no Appearance to Citation grant may issue.

281. If no person appears to the citation, the Court may, after the expiration of ten days from the date of publication of the citation, if in China or Corea, or if elsewhere, then within such reasonable time as the Court shall appoint, proceed to grant probate or administration, as the case may be (Forms 104 and 105).

Appearance to Citation.

282. If any person appears to the citation, the Court shall fix a day for the consideration of the claims of the several applicants.

Notice to Executors to come in and prove.

283. The Court may, of its own motion, or on the application of any person claiming an interest under a will, give notice to the

executors (if any) therein named, to come in and prove the will or to renounce probate, and they, or some or one of them, shall within fourteen days after notice come in and prove or renounce accordingly.

Reference to Supreme Court.

284. Where in a Provincial Court a dispute or question arises in relation to the grant or the application for it, or it appears to the Court doubtful whether or not the grant should be made, the Court shall communicate with the Supreme Court.

The Supreme Court shall either direct the proceedings of the Provincial Court in the matter, or shall by order remove the matter to the Supreme Court.

Administration Bond.

285. Before any administration is granted, the person to whom it is to be committed shall enter into a bond, with or without sureties, in double the amount of the sworn value of the estate, unless the Court shall think fit for any reason to diminish the amount. The bond shall be conditioned to make an inventory of the property of the deceased, to exhibit such inventory in the Court, to well and truly administer the estate, and to make an account of the administration when required to do so; such bond is to be deposited with the Court (Form 109).

Time for passing Accounts.

286. The Court, on granting letters of administration, may fix a certain time for the administrator to pass his accounts.

Commission to Executors and Administrators.

287. The Court may, in its discretion, allow to any executor or administrator such a commission, not exceeding in the whole 5 per cent. calculated on the assets, as may be a reasonable compensation for his loss of time and trouble; but no allowance shall, under any circumstances, be made to any executor or administrator who shall neglect to file his accounts, or to perform any other duty attaching to his office as such executor or administrator within the time fixed by the Court.

Interest to be charged to Negligent Executors and Administrators.

288. In the event of any executor or administrator neglecting to file his accounts, or to perform any duty within the time fixed by the

Court, the Court may charge him or them with interest at the current rate on all moneys belonging to the estate then in his or their hands.

Application for Probate, &c., after three years.

289. Where application for probate or administration is, for the first time, made to a Provincial Court after three years from the death of the deceased, a grant shall not be made except under the direction of the Supreme Court.

Evidence to be required by Court.

290.—(1.) A Provincial Court, before proceeding on an application, shall ascertain where the deceased was resident at the time of his death, and whether he was possessed of property within the jurisdiction of the Court, and shall not for this purpose consider itself bound to rest satisfied with the evidence offered by the applicant.

(2.) The Court shall require evidence, in addition to that offered by the applicant, of the identity of the deceased, or of the applicant, where additional evidence in that behalf seems to the Court necessary or desirable.

(3.) The Court shall ascertain the value of the property of the deceased as correctly as circumstances allow.

(4.) In no case shall the Court issue probate or letters of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction.

(5.) The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

When Grant not to issue from Provincial Court.

291. In the following cases a grant shall not be made by a Provincial Court except under the direction of the Supreme Court, namely :—

(a.) Probate or administration with will annexed, where the will is the will of a married woman.

(b.) Administration for the use or benefit of a minor or infant, or of a lunatic.

(c.) Administration (with or without will annexed) of the property of a bastard dying either a bachelor or a spinster, or a widower or widow, without issue, or of a person dying without known relative.

(d.) Administration to be granted to a person not resident.

(e.) Probate or administration in the case of a person dying elsewhere than in China or Corea.

(f.) Probate or administration in the case of a person who at the time of his death was not ordinarily resident within the particular jurisdiction.

(g.) Probate or administration limited to specified property of the deceased or for a special period.

Revocation or Alteration of Grant by Provincial Court.

292. Revocation or alteration of a grant of probate or administration shall not be made by a Provincial Court except under the immediate direction of the Supreme Court.

Objections to Grant of Probate.

293.—(1.) A notice to prohibit a grant of probate or administration may be filed in the Supreme or a Provincial Court (Form 112).

(2.) Immediately on such a notice being filed in the Supreme Court, a copy thereof shall be sent to the Court of the district (if any) in which it is alleged the deceased was resident at his death, and to any other Court to which it appears expedient to send a copy.

(3.) Immediately on such a notice being filed in a Provincial Court, that Court shall send a copy thereof to the Supreme Court, and also to the Court of any other district in which it is known or alleged the deceased had at his death a place of abode.

(4.) The notice shall remain in force for three months only from the day of filing; but it may be renewed from time to time.

(5.) The notice shall not affect a grant made on the day on which the notice is filed, or on which a copy thereof is received as the case may be.

(6.) The person filing the notice shall be warned by a warning in writing, under the seal of the Court, delivered at the place mentioned in the notice as his address (Form 113).

(7.) After the notice has been filed in, or a copy thereof has been received by a Provincial Court, a grant of probate or administration shall be made only by the Supreme Court.

Administration under direction of Court.

294.—(1.) A person claiming to be a creditor or legatee, or the next-of-kin, or one of the next-of-kin, of a deceased person may apply for and obtain a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to

attend before the Court and show cause why an order should not be made for the administration of the property under the direction of the Court.

(2.) On proof of service of the summons, or on appearance of the executor or administrator, and on proof of all such other things as the Court thinks fit, the Court may make an immediate order for such administration.

(3.) The Court shall have full discretionary power to make or refuse any such order, or to give any special directions respecting the carriage or execution of it, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court thinks fit.

(4.) The carriage of the order may subsequently be given to such person, and on such terms, as the Court thinks fit.

(5.) On making such an order, or at any time afterwards, the Court may make any further or other order for compelling the executor or administrator to bring into Court for safe custody all or any part of the money, or securities, or other property of the deceased, from time to time coming to his hands, or otherwise for securing the safe keeping of the property of the deceased, or any part thereof.

(6.) If the extreme urgency or other peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the Minutes), the Court may, of its own motion, issue such a summons, and make such an order or such orders and cause proper proceedings to be taken thereon.

Grant of Administration to Officer of Court.

295.—(1.) In a case of apparent intestacy, where the circumstances of the case appear to the Court so to require (for reasons recorded in the Minutes), the Court may, of its own motion, grant administration to an officer of the Court.

(2.) The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3.) He shall publish such notices as the Court thinks fit, in China, Corea, the United Kingdom, and elsewhere.

(4.) The Court shall require and compel him to file in the Court accounts of his administration at intervals not exceeding three months.

(5.) The accounts shall be in all cases audited by the Supreme Court; for which purpose every Provincial Court shall, during the months of January and July in every year, send to the Supreme Court all accounts so filed in the then last preceding half-year.

(6.) A commission of 5 per cent., or such less amount as the Secretary of State directs, may be charged on an estate administered under this Rule, and the amount thereof shall be calculated and applied as the Secretary of State directs.

(7.) All expenses incurred on behalf of the Court in the execution of this Rule and the said commission shall be the first charge on the property of the deceased in China or Corea, and the Court shall, by sale of part of that property or otherwise, provide for the discharge of those expenses and the payment of the said commission.

Original Will and Probate copy.

296.—(1.) Every original will, of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Court from which the grant issues, in such manner as to secure at once the due preservation and the convenient inspection of the same.

(2.) No original will shall be delivered out for any purpose without the direction in writing of a Judge of the Supreme Court.

(3.) An office copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Court where the will is proved or the administration granted, on payment of the proper fees.

Lists and copies of Grants.

297. During the months of January and July in every year every Provincial Court shall send to the Supreme Court—

A list of the grants of probate and administration made by the Provincial Court up to the last preceding 31st December and 30th June respectively, not included in any previous list;

And a copy, certified by the Court to be a correct copy, of every will to which each probate or administration relates.

Wills.

Wills and copies to be marked.

298. Every will or copy of a will to which an executor or administrator with will annexed is sworn shall be marked by the executor or administrator, and by the person before whom he is sworn.

Blind or illiterate Testator.

299.—(1.) Where the testator was blind or illiterate the Court shall not grant probate or administration with will annexed, unless

the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

(2.) Where in a Provincial Court this information is not forthcoming, the Court shall communicate with the Supreme Court for directions.

Interlineations, Erasures, &c.

300.—(1.) The Court, on being satisfied that the will was duly executed, shall carefully inspect it, to see whether there are any interlineations or alterations or erasures or obliterations appearing in it and requiring to be accounted for.

(2.) Interlineations, alterations, erasures, and obliterations are invalid, unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been duly signed and witnessed in the mode required for a will, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

(3.) Where interlineations, alterations, erasures, or obliterations appear in the will, unless they are duly signed and witnessed, or recited in, or otherwise identified by, the attestation clause, an affidavit, in proof of their having existed in the will before its execution, shall be filed.

(4.) If it is not proved at what time an erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be read, they shall form part of the probate.

(5.) Where words have been erased which might have been of importance, an affidavit shall be required.

(6.) If a Provincial Court has any doubt in regard to any interlineation, alteration, erasure, or obliteration, the Court shall communicate with the Supreme Court for directions.

Collateral Documents.

301.—(1.) Where a will contains such a reference to some other paper as to raise a question whether that paper is not a constituent part of the will, the Court shall require the production of the paper, with a view to ascertain whether or not it is entitled to probate, and if it is not produced a satisfactory account of its non-production shall be proved.

(2.) A paper cannot form part of a will unless it was in existence at the time when the will was executed.

(3.) If there are vestiges of sealing-wax or wafers, or other marks on the will, leading to the inference that some paper has

been at some time annexed or attached thereto, a satisfactory account of those marks shall be proved, or the production of the paper shall be required; if it is not produced, a satisfactory account of its non-production shall be proved.

(4.) If a Provincial Court is in doubt whether or not a particular paper is entitled to probate as a constituent part of a will, the Court shall communicate with the Supreme Court for directions.

Fair copies of Wills.

302. The Court shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and shall reject any not so written.

Deposit of Wills.

303. A British subject may in his lifetime deposit for safe custody, in the Court, his own will, sealed up under his own seal and the seal of the Court.

Intestacy.

Application by one of several equally entitled.

304. When administration is applied for by one or some only of the next-of-kin, there being another or others equally entitled thereto, the Court shall require proof that notice of the application has been given to such other or others.

The Registrar.

Registrar to keep Books, &c.

305.—(1.) The Registrar shall keep books in such forms as may be appointed by the Supreme Court; and every entry in such books shall have a number prefixed corresponding with the number of the action or matter to which the entry relates.

(2.) He shall file all relevant documents delivered to him in any action or matter, and shall distinguish them by the number of the action or matter in respect of which they are filed.

(3.) He shall, subject to the directions of the Court, keep Minutes of all proceedings in the Court.

(4.) When, under these Rules, any application is to be made to, or any notice or other document is to be delivered to, filed with, or served on the Registrar, such application, delivery, filing, or service shall be effected by leaving during office hours the application in writing or the document in the Registry, and not otherwise.

Registrar to keep Special Book for Documents issuing from Supreme Court.

306.—(1.) The Registrar of a Provincial Court shall keep a special book for the entry of documents and warrants for service and execution proceeding from the Supreme Court. On the receipt of any such document or warrant he shall enter in his book its number and nature, together with the date of its receipt and of its delivery to the Marshal for service or execution; also whether any special instructions have been given by the Supreme Court respecting the service or execution and the nature of such instructions. He shall also enter from time to time in the book what has been done respecting the service or execution as reported to him by the Marshal and the date of its return to the Registrar of the Supreme Court.

(2.) On receipt from the Marshal of the indorsed original he shall forward it to the Registrar of the Supreme Court forthwith, together with an extract from the entries in his book respecting it.

The Marshal.

Service of Process by Marshal.

307. The Marshal is the officer of the Court for serving all such summonses, warrants, notices, or other documents as are required, by or under the principal Order, to be served by an officer of the Court; but the Court may direct service by any other officer or person, and in that case the provisions of these Rules shall apply to service by such other officer or person.

Marshal to keep Books and make Returns.

308. The Marshal shall keep books and make returns to Court in such forms as shall be appointed by the Supreme Court; and every entry in such books shall have a number prefixed corresponding with the number of the action or matter to which it relates.

Orders for Payment of Money.

309.—(1.) The Marshal shall enter in an order book all orders for the payment of money or costs or both which he shall have received from the Registrar, and the date on which he shall have caused them to be served.

(2.) The Marshal shall, within twenty-four hours from the receipt of the same, pay over to such person as the Court shall

designate any money which he shall have levied or received by virtue of any process issued out of the Court; and the proper officer shall indorse upon the warrant a memorandum of having received the same, and deliver to the Marshal a copy of the Memorandum under the Seal of the Court, and the Marshal shall file such copy and retain the same in his custody as his voucher.

Execution of Warrants.

310. The Marshal shall execute every warrant issued to him as soon as possible, and enter in the proper book every warrant which he has been required to execute with the date and hour of its delivery to him, and shall state from time to time therein what he shall have done under each warrant, and, if the same is not executed within one month from the day of its delivery to him, why it has not been executed; and shall at all reasonable times give to a suitor, his legal practitioner or agent, every information he may reasonably require as to the execution or non-execution of any warrant issued at the instance of such suitor.

Sales and Detention of Goods.

311.—(1.) Where any personal property is directed to be sold by auction, detained, or preserved, the Marshal shall, if the Court shall so direct, superintend such sale, detention, or preservation, and where the property is to be sold by private contract he shall carry out the directions of the Court in respect of such sale.

(2.) Where a warrant directs the Marshal to detain and preserve any goods or chattels he shall take and retain possession of them until he receives further orders from the Court concerning them.

(3.) Where a warrant directs the Marshal to take possession of any goods and chattels until good security is given by some party for the safe-keeping, or for the payment of the value of them in default of safe-keeping, but shall not specify the amount of the security, he shall make, or cause to be made, an inventory or appraisement of the goods or chattels which he may take into his possession, and upon receiving as a deposit the amount of the appraisement or sufficient security, to be approved by the Court, for the safe custody and for delivery up of possession upon request, of the goods and chattels, he may relinquish the possession of them on condition that they shall be redelivered to him or held to abide the order of the Court. If the warrant specifies the amount of the security, no less deposit or security shall be sufficient.

Rules to apply to Service of Documents, &c., issuing out of Supreme Court.

312. In the service of documents and execution of warrants proceeding from the Supreme Court in the district of a Provincial Court these Rules shall be observed, unless any special directions are given by the Supreme Court, in which case such directions are to be strictly followed.

PART IV.—GENERAL.

Fees.

313. The fees specified in the First Schedule to these Rules shall be paid.

Forms.

314. The forms set forth in the Second Schedule to these Rules or forms to the like effect, shall be used with such variations as circumstances may require.

Where no provision made, English procedure to be observed.

315. Where in regard to any matter of practice or procedure no provision is made in the principal Order or these Rules, the practice and procedure of the High Court and other Courts in England in regard to similar matters shall be observed, as far as circumstances admit.

Annual Reports to Supreme Court.

316. The annual reports mentioned in Article 167 of the principal Order shall be presented to the Supreme Court in the month of February of each year, and shall be in the form given in the Second Schedule to these Rules. (Forms 116 and 117.)

Scale of Expenses of Witnesses, &c.

317. The expenses of a complainant and of witnesses and of juries and of assessors that may be ordered by a Court under Article 52 of the principal Order shall be according to the scale specified in the First Schedule to these Rules.

Report of Cases under Article 47 (2).

318. The Report mentioned in Article 47 (2) of the principal Order shall in every case be sent to the Supreme Court within one

month after the passing of the sentence, with a full copy of the Minutes of the trial and of the notes of evidence.

Repeal.

319. The following Rules and Tables of Fees are hereby repealed except as to pending proceedings, that is to say—

Rules of the Supreme Court of the 4th May, 1865.*

Rules of the Supreme Court in Criminal Cases of the 7th November, 1878.

Table of Fees of the 13th March, 1899.†

Rules of the Supreme Court of the 25th April, 1905.

Short Title.

320. These Rules may be cited as “The China and Corea Rules of Court, 1905.”

Approved :

LANSDOWNE,

*His Majesty's Principal Secretary of State
for Foreign Affairs.*

FIRST SCHEDULE.

Court Fees, &c.

Notes.

- (i) Article 164 of the principal Order provides that all fees and other sums of money which, in any Rules of Court made under that Order, are stated in British currency, shall, if not paid in British gold, be paid in China in British or Mexican dollars at the rate of exchange fixed periodically by the Treasury; in Corea, in Japanese currency at the rate of 10 yen to the pound. In making such payments in China all fractions of 25 cents shall be counted as 25 cents, and in Corea all fractions of 25 sen shall be counted as 25 sen.
- (ii) The same Article provides that the said rates of exchange shall apply to the ascertainment of the value of any property for the purpose of any limitation or security in any case where the Order or any Rules contain a reference to British currency.

* See Hertslet's "Commercial Treaties," Vol. XIII, p. 227.

† Vol. XCI, page 1218.

- (iii) In estimating the sterling value of the estate of a deceased person for the payment of any fee on probate or administration, taels or dollars shall be estimated at the sight rate of exchange on London at the time when the fee is paid.
- (iv) Seventy-five Shanghae taels shall be reckoned as equivalent to 100 British or Mexican dollars.
- (v) For the purpose of calculating poundage or percentage, any fraction of a pound shall be treated as an entire pound.
- (vi) All poundage or percentage, except where otherwise herein specified, shall be estimated upon the amount or value of the subject-matter of the proceeding upon which it is payable. In any case where any poundage or percentage cannot be estimated by these Rules it shall be estimated on 50%.
- (vii) The hearing fee in interpleader shall be estimated on the amount of the money or the value of the goods claimed, which value, in case of dispute, shall be assessed by the Court, who at the hearing shall direct by whom and when and how such fee shall be paid.
- (viii) Poundage on judgment summonses under Rule 190 is to be calculated on so much of the amount of the original demand as, under the order of the Court, is payable at the time of the issue of the summonses.
- (ix) All fractions of 6*d.* in the amount of a fee shall be treated and charged as 6*d.*

Special Case.

				£	s.	d.
1. On summons or application by party for special case	..	..		1	0	0
2. On special case where stated or settled by the Court	..	..		0	10	0
3. On hearing	..	..	..	1	0	0
Fee No. 3 is not to be levied when Fee No. 55 exceeds 1 <i>l.</i> and is levied.						

Summary Orders before Suit (Rule 174).

4. On application for order	..	..	..	..	..	..	0	10	0
5. On recognizance	..	..	..	..	..	..	0	10	0
6. On order	..	..	..	..	..	..	0	5	0

Bankruptcy Proceedings.

7. On a summons	..	..	..	..	..	..	1	0	0
8. On taking possession	..	..	..	..	..	..	0	10	0
9. On making an inventory, per hour	..	..	..	..	..	..	0	5	0
10. On a bond with sureties	..	..	..	..	..	..	0	10	0
11. On filing an affidavit other than proof of debts	..	..	..	..	..	..	0	2	0
12. On a subpoena or summonses under section 27 of the Bankruptcy Act, 1883	..	..	..	..	..	..	0	1	0
13. On every proof of debt over 2 <i>l.</i>	..	..	..	..	..	..	0	1	0
14. On the appointment of a receiver or manager	..	..	..	..	..	..	1	0	0
15. In addition to Fee No. 14, when an officer of the Court is appointed receiver, such further sum as the Court directs, not exceeding	..	..	..	..	..	..	5	0	0
16. On the approval or appointment of a Trustee by the Court	..	..	..	..	..	..	0	10	0
17. On application for an order of discharge	..	..	..	..	..	..	1	0	0

And in addition the cost of such advertisements as the Court directs.

£ s. d.

18. In addition to Fee No. 17, for every creditor to be notified by the Court 0 1 0
19. On every application to the Court to approve a composition, a fee computed at the following rate on the gross amount of the composition, viz., 1*l.* on every 100*l.*, or fraction of 100*l.*, up to 5,000*l.*, and 10*s.* on every 100*l.*, or fraction of 100*l.*, beyond 5,000*l.*
20. On every application to the Court to approve a scheme of arrangement, a fee computed at the following rates on the gross amount of the estimated assets (but not exceeding the gross amount of the unsecured liabilities), viz., 1*l.* on every 100*l.*, or fraction of 100*l.*, up to 5,000*l.*, and 10*s.* on every 100*l.*, or fraction of 100*l.*, beyond 5,000*l.*

Provided that where a fee has been taken on a previous application to the Court to approve a composition or scheme, seven-eighths of the amount thereof shall be deducted from the fee payable on an application to approve a composition or scheme.

Probate and Administration.

21. In all cases (except under Article 106 or under Article 112 of the principal Order) where the value of the estate does not exceed 200*l.*, the fees to be taken for probate and administration shall not exceed in the aggregate 5 per cent. on the value of the estate.

In all cases (except those to which Fee No. 21 applies) the fees shall be regulated according to the following scale:—

22. On application for probate or administration 1 0 0
23. On oath for every executor and administrator and surety .. 0 10 0
24. On every security 1 0 0
25. On probate or administration:—

Where the value of the estate is—

From 100*l.* to 500*l.*, for every 50*l.* or fraction thereof .. 1 0 0

From 500*l.* to 1,000*l.*, for every 50*l.* or fraction thereof .. 1 5 0

Above 1,000*l.*, for every 100*l.* or fraction thereof .. 3 0 0

26. Where the Court appoints as administrator { In addition to the foregoing,
an officer of the Court 2½ per cent. on the value of
the estate and effects.

£ s. d.

27. On registering a will under Rule 296 0 10 0
28. On sealing summons under Rule 294 1 0 0
29. On order under Rule 294 1 0 0
30. Registering probate or letters of administration 0 10 0
31. Copy of Decree (if required) 0 10 0
32. Copy of Decree, if above six folios, per folio beyond six .. 0 1 0
33. In the case provided for in Article 106 of the principal Order,
Fees Nos. 22, 23, 24, 36, and 37 are also payable, so far as
they are applicable.
34. Certificate under seal 0 10 0
35. Filing bond 0 5 0
36. Filing any account 0 10 0
37. Passing any account 1 0 0

Ordinary Suits.

£ s. d.

38. On sealing a writ of summons for the commencement of an action :—

Sixpence in the pound, not exceeding a total fee of 25*l.*, but in no case less than 2*s.* 6*d.*

39. On sealing every judgment summons under Rule 190, 2*d.* in the pound on so much of the amount of the original demand as, under the order of the Court, is payable at the time of issue of the summons, not exceeding a total fee of 10*s.*, but in no case less than 2*s.* 6*d.*

- | | | | |
|--|---|----|---|
| 40. On sealing a concurrent, renewed, or amended writ of summons for the commencement of an action | 0 | 2 | 6 |
| 41. On sealing a third party notice under Rule 90 | 0 | 2 | 6 |
| 42. On sealing a writ of mandamus | 0 | 10 | 0 |
| 43. On sealing a writ of subpœna for witnesses, not exceeding three persons | 0 | 5 | 0 |
| 44. On sealing a subpœna pursuant to "The Court of Probate Act, 1858," section 23, and every writ not otherwise specified .. | 0 | 5 | 0 |
| 45. On sealing a writ of execution against goods for less than 50 <i>l.</i> .. | 0 | 5 | 0 |
| 46. On sealing a writ of execution against goods for 50 <i>l.</i> and upwards | 1 | 0 | 0 |
| 47. On sealing any originating summons | 0 | 10 | 0 |
| 48. On amending same | 0 | 5 | 0 |
| 49. On motion for a new trial | 1 | 0 | 0 |
| 50. On sealing or issuing any summons not particularly charged, or Registrar's warrant | 0 | 2 | 6 |

No fee shall be payable on any application for or on the hearing of any application to set aside proceedings, or for a summons in interpleader.

Examination of Witnesses.

- | | | | |
|--|---|----|---|
| 51. On every witness examined in Court | 0 | 2 | 6 |
| 52. On every memorandum of appointment for an examination .. | 0 | 5 | 0 |
| 53. On every witness sworn and examined by an officer of the Court in his office, unless otherwise provided, including oath, for each hour or part of an hour | 0 | 10 | 0 |
| 54. On an examination of witnesses by any such officer away from the office (in addition to reasonable travelling and other expenses) for each hour or part of an hour | 1 | 0 | 0 |

The officer may, before going to the place of examination, require a deposit or an undertaking in writing to pay any fees and expenses which may become payable, and, in case of a deposit, shall make a memorandum thereof and deliver the same to the party making the deposit.

Hearing.

55. On entering or setting down, or re-entering or re-setting down any cause, including hearing, whether on summons adjourned from Chambers to Court, or otherwise, and including special

£ s. d.

case or matter by which a proceeding is commenced, 6*d.* in the pound, not exceeding a total fee of 25*l.*, but in no case less than 2*s.* 6*d.*

This fee is not to be levied when Fee No. 3 is levied, unless the total fee leviable under Fee No. 55 exceeds 1*l.*

- | | | | |
|--|---|---|---|
| 56. On an order for adjournment of hearing rendered necessary by default or request of either party (to be paid by that party).. | 0 | 7 | 6 |
| 57. In all cases where the defendant shall, either personally or by his legal practitioner or agent, admit the claim, one-half of the hearing fee paid by the plaintiff shall be returned to him by the Registrar, though the Court may have been required to decide upon the terms and conditions upon which the claim is to be paid. | | | |
| 58. An additional hearing fee shall be taken for every new trial. | | | |
| 59. On the hearing of a judgment summons under Rule No. 190, 3 <i>d.</i> in the pound on the amount on which the fee for the summons is calculated, not exceeding a total fee of 10 <i>s.</i> , but in no case less than 2 <i>s.</i> 6 <i>d.</i> | | | |
| 60. On the hearing of any summons in Chambers other than an originating summons | 0 | 5 | 0 |

Interlocutory Proceedings, Orders.

- | | | | |
|---|---|----|---|
| 61. On filing any motion where not otherwise provided | 0 | 5 | 0 |
| 62. On drawing up any Order | 0 | 5 | 0 |
| 63. Order for accounts, on every 100 <i>l.</i> or fraction thereof, found to have been received, without deducting any payment.. .. | 0 | 1 | 0 |
| 64. On a certificate of the Registrar of the result of any proceeding or taxation of costs before him, including one or any number of matters | 0 | 10 | 0 |

Judgments, Decrees, and Orders.

- | | | | |
|---|---|----|---|
| 65. On entering any order in the Order Book.. .. . | 0 | 2 | 6 |
| 66. If made in Court on the original hearing or hearing on further consideration of a cause, or on the hearing of a special case or petition, unless otherwise provided | 0 | 5 | 0 |
| Judgment by consent, or default judgment, 3 <i>d.</i> in the pound on the amount claimed in the summons, but in no case less than 2 <i>s.</i> 6 <i>d.</i> | | | |
| 67. Order for sale or purchase of lands, for every 100 <i>l.</i> or fraction thereof involved | 0 | 2 | 6 |
| 68. Order for accounts, on every 100 <i>l.</i> or fraction thereof found to have been received, without deducting any payment.. .. | 0 | 1 | 0 |
| 69. On a certificate of the Registrar of the result of any proceeding or taxation of costs before him, including one or any number of matters | 0 | 10 | 0 |

Appeal to Supreme Court.

- | | | | |
|--|---|----|---|
| 70. On motion for leave to appeal or for a rehearing | 0 | 10 | 0 |
| 71. On motion for leave to appeal against adjudication of bankruptcy | 5 | 0 | 0 |

	£	s.	d.
72. On motion for leave to appeal against allowance, suspension, or refusal of order of discharge in bankruptcy	5	0	0
73. On every security	0	10	0
74. On order for leave to appeal or for rehearing	1	0	0
75. On hearing of—			
(a.) Any appeal or on any rehearing in the Supreme Court, $\frac{1}{2}$ per cent. on the amount involved, not exceeding a total fee of 25 <i>l</i> .			
(b.) Any appeal referred to in No. 71 or No. 72	2	0	0
(c.) Any other appeal, where the recovery of money is not involved	3	0	0

Appeal to His Majesty in Council.

76. On motion for leave to appeal	2	0	0
77. On every security	2	0	0
78. On order for leave to appeal	5	0	0
79. For preparing record of appeal, such sum as the Court directs (not exceeding 6 <i>d</i> . per folio)			
80. For certifying record of appeal, per folio	0	0	6

Filing.

81. On filing or transmitting to the Supreme Court a special case ..	1	0	0
82. On filing any document	0	5	0
83. On depositing, pursuant to an order in any cause or matter, any documents for safe custody or production, if the number does not exceed five	0	5	0
84. If exceeding five	0	10	0
85. On a receipt for any document or documents to which the last two fees apply, when delivered out	0	2	6

Copies.

86. On making a copy of any document, or extract therefrom, for each folio	0	1	0
87. On examining a written or printed copy, and marking or sealing same as an office copy, for each folio	0	0	6
88. On a copy in a foreign language, double the above fees.			
89. For an official certified translation of any document, for first folio	0	7	6
90. For every further folio	0	5	0
91. On a copy of a plan, map, section, drawing, photograph, or diagram, the actual cost.			

Attendances.

92. On an application for any officer to attend a foreign Court as a witness, or to produce records or documents to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office, not exceeding two hours	1	0	0
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	£	s.	d.
93. For every additional hour or part of an hour	0	10	0
(Not exceeding a total fee of 4 <i>l.</i>).			
The officer may, before leaving his office, require a deposit or a guarantee in writing to pay any fees or expenses which may become payable.			
94. On a verbal application to a local authority, for any purpose whatever relating to any proceeding under the principal Order	0	10	0
95. For attendance at a sale—			
At request of parties interested or of local authorities, if absent less than two hours	2	0	0
At request of parties interested, for each additional hour or fraction thereof, 10 <i>s.</i> , with a maximum per day of ..	4	0	0
96. For attendance of interpreter at Consular Court, {	Such sum as the Court directs, not exceeding 3 <i>l.</i> per diem.		
if required by a party in an action			

Oaths, &c.

	£	s.	d.
97. For taking an affidavit or an affirmation, or an attestation upon honour in lieu of an affidavit or declaration	0	5	0
98. And in addition thereto, for every exhibit therein referred to and required to be marked	0	2	6

Certificates.

99. On a certificate of an affidavit or proceeding having been entered, filed, or taken, or of the negative thereof, unless otherwise provided	0	2	6
100. Or if required for use in a foreign country	0	10	0

Searches and Inspections.

101. On an application to search for an affidavit and inspecting the same	0	1	0
102. On an application to search an index, and inspect a Judgment, Decree, Order, or other record, or will or copy of a will, and to inspect scripts filed or documents deposited pursuant to an order for safe custody or production, for each hour or part of an hour	0	5	0
103. Not exceeding in one day	1	0	0
104. On reference to archives	0	2	6

Registration of Documents, &c.

105. On registering bill of sale and affidavit therewith when the consideration (including further advances) does not exceed 100 <i>l.</i>	0	5	0
106. When the consideration exceeds 100 <i>l.</i> , for every 100 <i>l.</i> or part thereof	0	5	0
107. On filing under the Bills of Sale Acts, 1878 and 1882, any other documents to which the fees Nos. 105 and 106 do not apply	0	10	0

£ s. d.

108. Registering any mortgage deed, conveyance, letters patent, will, or document requiring registration (other than a bill of sale), and comparing and certifying the same under seal, in addition to the certificate fee of 10s.	0 15 0
109. Ditto, if above ten folios, for every folio of seventy-two words above that number	0 1 0

Taxation of Costs.

110. Taxation of practitioner's bill of costs, not exceeding ten folios	0 10 0
111. For every folio beyond ten.	0 1 0
112. Taxation of Marshal's bill of fees.	0 5 0

Acknowledgment by Married Women to Deeds.

113. Taking the acknowledgment of a married woman to any deed . .	1 0 0
114. Filing certificate	0 5 0

Miscellaneous.

115. On taking an inventory, per diem.	1 0 0
116. For communications between two Consular Courts	0 10 0
117. For communications in writing to foreign or local authority and filing reply	0 15 0
118. For application to local authority for permission to sell or purchase realty	1 0 0
119. Application to local authority for any other purpose	0 10 0
120. For despatch to accompany same	0 10 0
121. On deposit of will for safe custody (including receipt for same)	0 10 0
122. On deposit of money (other than in pursuance of a judgment or order) 1 per cent.	
123. Poundage on moneys paid into Court for care, risk, or responsibility, $\frac{1}{2}$ per cent.	
124. For any service performed under any Act of Parliament, the like fee as is chargeable in England.	

References to the Registrar.

125. On every reference, investigation, or inquiry (other than in Admiralty causes), including the examination of witnesses, for every hour or part of an hour occupied	0 10 0
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Interpreter.

126. For interpreting in any language in the Court, per day or part of a day	0 10 0
127. For attendance at Supreme Court, if required by a party to the suit (in addition to reasonable expenses), such sum as the Court shall allow), not exceeding per day	3 0 0

Marshal.

128. Service of summons, orders, or other documents not otherwise specified, if within a mile of the Court	0 2 6
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	£	s.	d.
129. Every additional mile or part of a mile	0	1	0
130. Arresting any party, and taking bail to appear	0	5	0
131. Drawing and assigning (where required) bail bond	0	5	0
132. Where parties settle action without bail, and defendant is discharged on payment of the debt	0	5	0
133. For copy of warrant of arrest when required by defendant	0	2	0
134. Executing warrant of arrest, attachment, or execution on property	0	5	0
135. If execution be withdrawn before sale	0	7	6
136. Attending trial of each cause	0	2	6
137. Issuing and serving each subpoena, including copy for service	0	2	6
138. Serving notice on jurors or assessors, each	0	2	6
139. For every prisoner discharged by consent indorsed on bail bond	0	5	0
140. For sale of personal property under execution when amount under 10 <i>l.</i>	0	10	0
141. For sale of personal property under execution when amount above 10 <i>l.</i> , for every additional 10 <i>l.</i> or part thereof	0	2	6
In every case when the duty to be performed is more than 1 mile from the Court, an additional fee of 1 <i>s.</i> per mile is to be charged.			

Keeper of the Gaol.

142. For attending Court with a prisoner as a witness	0	5	0
143. For every prisoner discharged by consent indorsed on bail bond	0	5	0

Criminal Matters.

144. On every summons or warrant	0	2	6
145. On hearing in summary case	0	2	6
146. On warrant of commitment	0	1	6
147. On recognizance	0	1	0
148. For service of notice on each juror or assessor	0	2	6
149. On trial with a jury	0	10	0
150. On record of sentence on trial with a jury	0	10	0

The Court may suspend or remit any of the above fees
(in criminal matters) when it shall deem it to be in the
interest of justice to do so.

Scale of Allowances under Article 52 of the Principal Order.

151. Assessors, not exceeding 2 <i>l.</i> per diem for each day or part of a day on which they attend.			
152. Jurors, for each day or part of a day on which they serve, such sum as the Court may direct, not exceeding	0	10	0
153. Witnesses and complainants—			
For professional men, merchants, and the like, not exceeding per day	1	0	0
For other persons, not exceeding per day	0	10	0

Travelling expenses for assessors, jurors, complainants,
and witnesses, and fees to medical practitioners for
analysis, &c., may be allowed in addition to the above.

SECOND SCHEDULE.

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FORMS.

*** The following is the General Heading referred to in these Forms.*

In His Britannic Majesty's Constular Court at [Canton].

Criminal Jurisdiction.

[or as the case may be

Civil Jurisdiction ;

or

Bankruptcy Jurisdiction ;

or

Probate Jurisdiction.]

[Thursday], the day of , 19 .

With this addition in the original summons and in every subsequent paper issued in a Civil action :—

Between A. B. Plaintiff,

and

C. D. Defendant.

[or as the case may be,

In the matter of A. B., deceased].

*** The following is the form of Jurat to an Affidavit referred to in these Forms.*

Sworn at , }
this day of , 19 . }
Before me, X. Y.,
Registrar,
[or as the case may be].

CRIMINAL.

FORM 1.

(Rule 32.)

Complaint.

(General Heading.)

C. D., of , [if on oath add "being first duly sworn"]
complains that A. B., of , on the day of
at [here shortly describe the matter complained of].

(Signed) _____.

Taken [or sworn] before me, this day of , in the year
19 .

J. S. (Seal.)

FORM 2.

(Rule 34.)

Summons to Accused.

(General Heading.)

To *A. B.* of , [labourer].

Complaint has this day been made [on oath] before this Court for that you
[stating shortly the offence charged].

Therefore you are hereby commanded, in the name of His Majesty King
Edward, to appear before this Court on [Saturday next], the day
of , at [10 o'clock in the forenoon] at [], to
answer to the said charge, and to be further dealt with according to law.

J. S. (Seal.)

FORM 3.

(Rules 36 and 37.)

Warrant for Arrest of Accused where summons is disobeyed.

(General Heading.)

To *X. Y.*, and other Officers of this Court.

Complaint was on the day of , 19 , made
[on oath] before this Court that *A. B.*, of, &c. [as in summons].

And the said *A. B.* was, by summons of this Court, commanded to appear
before this Court on , at , to answer to
the said complaint.

And (as it has now been proved to this Court) he was duly served with the
said summons. But he has not appeared according thereto.

Therefore you are hereby commanded, in the name of His Majesty King
Edward, forthwith to apprehend him, and to bring him before this Court to
answer to the said complaint.

J. S. (Seal.)

FORM 4.

(Rules 36 and 37.)

Warrant in first instance for Arrest of Accused.

(General Heading.)

To *X. Y.* and other Officers of this Court.

Complaint has this day [or other date] been made on oath before this Court
that *A. B.*, of, &c. [stating shortly the offence charged].

Therefore you are hereby commanded, in the name of His Majesty King
Edward, forthwith to apprehend the said *A. B.*, and to bring him before this
Court to answer to the said complaint.

J. S. (Seal.)

FORM 5.

(Rule 54.)

Charges.

(General Heading.)

1. General form.

You, *A. B.*, are hereby charged as follows:—

(a.) That you, on or about the _____ day of _____, 19____
at _____.

(b.) That your [*further charge, if any, which may be joined*].

On the said charge [*or charges*] you are to be tried before this Court [*or the Supreme Court, or as the case may be*].

2. Statement of offence [*after date and place of offence, according to circumstances*].

(1.) Did murder one *C. D.*[NOTE.—*Unnecessary to aver felonious intent or malice aforethought.*](2.) Did commit manslaughter by causing the death of *C. D.*

[NOTE.—*In cases under Article 39 of the Order, unnecessary to aver that the wound was given on the high seas, or that the death occurred at Shanghai.*]

(3.) Did commit theft by stealing from the house of *C. D.* certain goods, namely, &c.

(4.) Did, in the course of the trial of _____, commit perjury by stating in evidence that, &c.

(5.) Did commit burglary by breaking into the house of *C. D.* by night.[NOTE.—*Unnecessary to aver intent to commit felony.*]

(6.) Did receive certain stolen goods, namely, &c., contrary to section 95 of "The Larceny Act, 1861."

(7.) Did set fire to the dwelling-house of *C. D.*, contrary to section 2 of "The Malicious Damage Act, 1861."

(8.) Did throw into a ship an explosive substance, contrary to section 30 of "The Offences against the Person Act, 1861."

(9.) Did obstruct *C. D.*, an officer of the Consular Court at _____, in the performance of his duty, contrary to Article 77 of "The China and Corea Order in Council, 1904."

FORM 6.

(Rules 37 and 38.)

Warrant remanding the Accused Person in Custody.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of [_____] prison at [_____] .

Whereas a complaint [*or charge*] has been made in this Court against *A. B.*, of _____, [labourer], for that [*shortly state complaint or charge*].

And it appears to this Court necessary to remand the said *A. B.*

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, forthwith to convey the said *A. B.* to the

above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant. And you, the keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there safely keep him until the day of _____ instant, and then to have him before this Court at [10 o'clock in the forenoon] of the same day at [] to answer further to the said charge, and to be further dealt with according to law.

J. S. (Seal.)

FORM 7.

(Rules 37 and 38.)

Recognizance of Bail on Adjournment of Hearing or for Surrender for Trial.

(General Heading.)

We, *A. B.*, of _____, [labourer], *L. M.*, of _____, [grocer], and *N. O.*, of _____, [butcher], come personally before this Court, this day of _____, 19____, and severally acknowledge ourselves to owe to our Sovereign Lord King Edward the several sums following, namely, the said *A. B.* the sum of £ _____ sterling, and the said *L. M.* and *N. O.* the sum of £ _____ sterling each, to be levied on our several goods, if the said *A. B.* fails in the condition hereon indorsed.

A. B.

L. M.

N. O.

Before me,

J. S. (Seal.)

Condition indorsed.

The condition of the within-written recognizance is as follows:—

Complaint has been made before this Court for that the within-bounden *A. B.* [*as in summons*].

If, therefore, the said *A. B.* appears* before this Court on _____, at _____ o'clock at _____, to answer [further] to the said charge, and to be [further] dealt with according to law,* then the said recognizance shall be void, and otherwise shall remain in full force.

[Where the recognizance is for surrender for trial, substitute for the words between asterisks * * the following:—] before [_____] on [_____] at [_____] o'clock, at [_____] and then and there surrenders himself into the custody of the keeper of the [_____] prison there, to answer to such charge as may be preferred against him for the offence aforesaid and take his trial thereon, and not depart from the Court without leave.

FORM 8.

(Rule 38.)

Notice of Recognizances to be given to Accused and each of his Sureties.

(General Heading.)

To *A. B.*, of _____, [labourer], *L. M.*, of _____, [grocer], and *N. O.*, of _____, [butcher].

You, *A. B.*, are bound in the sum of £ sterling, and you, his sureties, *L. M.* and *N. O.*, in the sum of £ sterling each, that you, *A. B.*, appear before this* Court on the day of , at [] o'clock, at [], to answer [further] to the charge made against you by *C. D.*, and to be further dealt with according to law;* and unless you, *A. B.*, do so, the recognizance entered into by you, *A. B.*, *L. M.*, and *N. O.*, will be forthwith levied on your respective goods.

(Seal.)

[Where the recognizance is for surrender for trial, substitute for the words between asterisks * * words corresponding to the terms of the condition.]

FORM 9.

(Rule 39.)

Summons to a Witness.

(General Heading.)

To *E. F.*, of , [labourer].

Complaint has been made before this Court that *A. B.*, of , [labourer], [as in summons].

And it appears to this Court that you are likely to give material evidence concerning the said charge.

Therefore, you are hereby commanded, in the name of His Majesty King Edward, to appear before this Court on [Saturday next], the [] day of [], 19 , at [10 o'clock in the forenoon], at [], to testify what you shall know concerning the said complaint.

J. S. (Seal.)

FORM 10.

(Rule 39.)

Warrant where Witness has not obeyed Summons.

(General Heading.)

To *X. Y.*, and other officers of this Court.

Complaint has been made before this Court that *A. B.*, of , [labourer], [as in summons].

And it appearing to this Court that *E. F.*, of [labourer] is likely to give material evidence concerning the said charge, the said *E. F.* was, by summons of this Court, commanded to appear before this Court on [], at [], to testify what he should know concerning the said complaint.

And (as it has now been proved to this Court) he was duly served with the said summons. But he has not appeared according thereto, and has not excused his failure to do so to the satisfaction of this Court.

Therefore you are hereby commanded, in the name of His Majesty King Edward, to bring and have the said *E. F.* before this Court on [], at [10 o'clock in the forenoon], at [], to testify what he shall know concerning the said complaint.

J. S. (Seal.)

FORM 11.

(Rule 39.)

Warrant for Witness in first instance.

(General Heading.)

To X. Y., and other Officers of this Court.

Complaint has been made before this Court that *A. B.*, of [labourer], [as in summons].

And this Court is satisfied that *E. F.*, of [labourer], is likely to give material evidence concerning the said charge, and that it is probable he will not attend to give evidence unless compelled to do so.

Therefore you are hereby commanded, in the name of His Majesty King Edward, to bring and have the said *E. F.* before this Court on [Saturday next], the _____ day of _____, 19____, at [10 o'clock in the forenoon], at _____, to testify what he shall know concerning the said complaint.

J. S. (Seal.)

FORM 12.

(Rule 39.]

Warrant for Commitment of Witness for refusing to be Sworn or to give Evidence.

(General Heading.)

To X. Y., Officer of this Court, and to the keeper of [] prison
at [].

Complaint has been made before this Court that *A. B.*, of [labourer], [as in summons].

And *E. F.*, of _____, [labourer], now being before this Court to testify what he knows concerning the said complaint in pursuance of a summons [or warrant] issued by this Court, and being required refuses to take an oath [or having taken an oath refuses to answer a certain question now put to him concerning the said complaint], and does not excuse his refusal to the satisfaction of this Court.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *E. F.*, and convey him safely to the above-named prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *E. F.* into your custody in the said prison, and to keep him there safely for [seven] days, unless he in the meantime consents to answer duly on oath.

J. S. (Seal.)

FORM 13.

(Rule 56.)

Summary Conviction for a Fine to be levied by Distress, and in default of a sufficient Distress, Imprisonment; or for a Fine, and in Default of Payment, Imprisonment.

(General Heading.)

A. B., of _____, [labourer], is this day convicted before this Court for that [*state the offence, and the time and place when and where committed*].

And this Court adjudges the said *A. B.*, for his said offence, to pay the sum of £ _____ sterling [*state the fine, and also the compensation, if any, and the instalment, if any*], to be paid and applied according to _____, [and also to pay to the said *C. D.* the sum of _____ for his costs in his behalf].

And if the said sums be not paid forthwith [or on or before _____ next], then* this Court orders that the same be levied by distress and sale of the goods of the said *A. B.*

And in default of sufficient distress,* this Court adjudges the said *A. B.* to be imprisoned [and to be kept to hard labour] for the space of [_____] , unless the said sums and all costs and charges † of the said distress [and † of the commitment and conveyance of the said *A. B.* to prison] be sooner paid.

J. S. (Seal.)

[*Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks * * the following:—*] inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress would be ruinous to the said *A. B.* and his family [or that the said *A. B.* has no goods whereon the said sums can be levied by distress].

[*Where the conviction is for a fine, and in default of payment, imprisonment, omit the words between the asterisks * *, and also the words between the marks † †.*]

FORM 14.

(Rule 57.)

Summary Conviction where the Punishment is Imprisonment and no Fine.

(General Heading.)

A. B., _____, [labourer], is this day convicted before this Court for that [*state the offence, and time and place when and where committed*].

And the Court adjudges the said *A. B.*, for his said offence, to be imprisoned [and to be kept to hard labour] for the space of [_____] .

[And this Court also adjudges the said *A. B.* to pay to the said *C. D.* the sum of _____ sterling for his costs in this behalf.

And if the same be not paid forthwith [or on or before _____ next], then* this Court orders that the same be levied by distress and sale of the goods of the said *A. B.*

And in default of sufficient distress,* this Court adjudges the said *A. B.* to be imprisoned [and to be kept to hard labour] for the space of [], to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs* and distress* be sooner paid].

J. S. (Seal.)

[*The words between asterisks * * to be omitted where distress is not ordered.*]

FORM 15.

(Rule 57.)

Warrant of Commitment on a Conviction as that last mentioned.

(General Heading.)

To *X. Y.*, Marshal of this Court, and to the keeper of [] prison at [].

A. B., of [], [labourer], stands convicted before this Court, by a conviction dated the [] day of [], for that [*as in conviction*].

And it is in and by the said conviction adjudged that the said *A. B.* for his said offence should be imprisoned [and be kept to hard labour] for the space of [].

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *A. B.*, and convey him to the said prison, and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [].

J. S. (Seal.)

FORM 16.

(Rules 38 and 55.)

Order of Dismissal of Charge.

(General Heading.)

A. B., of [], [labourer], was, on the [] day of [] charged before this Court for that [*as in summons or warrant*].

And now both the said parties appear before this Court in order that it may hear and determine the said charge [*or the said A. B. appears before this Court, but the said C. D., although duly called, does not appear*].

Whereupon, the matter of the said charge being by this Court duly considered,* it manifestly appears to this Court that the said charge is not proved, and* this Court dismisses the same.

And adjudges that the said *C. D.* do pay to the said *A. B.* the sum of £ [] sterling for his costs in this behalf, and if the same be not paid forthwith [*or on or before* []], this Court orders that the same be levied by distress and sale of the goods of the said *C. D.*, and, in default of sufficient distress, this Court adjudges the said *C. D.* to be imprisoned in

[] prison at [], [and there be kept to hard labour] unless the said sum and all costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *C. D.*] be sooner paid.

J. S. (Seal.)

[Where the person making the charge does not appear at the hearing, the words between asterisks * * may be omitted.]

FORM 17.

(Rule 55.)

Certificate of Dismissal of Charge to be given to Accused.

(General Heading.)

This is to certify that a charge made on the [] day of [], by *C. D.*, of [], [labourer], against *A. B.*, of [], [labourer], for that [as in summons or charge] is now considered by this Court, and is by this Court dismissed [with costs].

J. S. (Seal.)

FORM 18.

(Rule 66.)

Order of Recognizance to keep the Peace, &c.

(General Heading.)

A. B. having made a complaint that *C. D.*, hereinafter called the defendant, on the [] day of [], at [] in the aforesaid, did

It is adjudged that the defendant do forthwith, to the satisfaction of [], enter into a recognizance in the sum of [] with [] suret in the sum of [] [each] to keep the peace and be of good behaviour towards His Majesty and all people, and especially towards the complainant, for the term of [] now next ensuing.

And it is adjudged that, if the defendant fail to comply with this order, he be imprisoned in His Majesty's prison at [] for the space of [] unless he sooner complies with this order.

[If costs are ordered, add:—

And it is ordered that the defendant pay to the said [] the sum of [] for costs [by instalments of [] for every [] days, the first instalment to be paid] forthwith [or on the [] day of []]:

And in default of payment it is ordered that the sum be levied by distress and sale of the defendant's goods, and, in default of sufficient distress, that the defendant be imprisoned in the said prison for the space of [] commencing at the termination of the imprisonment before ordered, unless the said sum [and all costs and charges of the said distress and commitment and of his conveyance to the said prison] be sooner paid].

J. S. (Seal.)

FORM 19.

(Rule 56.)

Condition of Recognizance for securing Payment by Instalments.

(General Heading.)

We, *A. B.*, of _____, [labourer], *L. M.*, of _____, [grocer]. and *N. O.*, of _____, [butcher], come personally before this Court and severally acknowledge ourselves to owe to our Sovereign Lord King Edward the several sums following, namely, the said *A. B.* the sum of _____, and the said *L. M.* and *N. O.* the sum of _____ each, to be levied on our several goods, if the said *A. B.* fails in the condition hereon indorsed.

*A. B.**L. M.**N. O.*

Before me,

J. S. (Seal.)*Condition indorsed.*

This recognizance is such that if the said *A. B.* shall well and truly pay the instalments ordered in a conviction of the Court dated _____ day of _____, then this recognizance shall be void, otherwise to remain in full force and effect.

FORM 20.

(Rule 66.)

Summons for Forfeiture of Recognizance.

(General Heading.)

To *A. B.*, of _____

You are hereby summoned to appear before this Court at _____ on _____ day the _____ day of _____, to show cause why the recognizance entered into the _____ day of _____, whereby you are bound to pay the sum of _____, should not be adjudged to be forfeited.

J. S. (Seal.)

FORM 21.

(Rule 66.)

Indorsement of Forfeiture of Recognizance.

(General Heading.)

Before His Britannic Majesty's Supreme Court [or as the case may be].

The within-mentioned principal not having complied with the said condition, this Court adjudges the within-written recognizances to be forfeited.

Dated the _____ day of _____, 19 .

J. S. (Seal.)

FORM 22.

(Rule 57.)

Warrant of Distress upon Conviction, or where the Person convicted is to pay Costs, but no Fine.

(General Heading.)

To X. Y., officer of this Court.

A. B., of _____, [labourer], was convicted before this Court by a conviction dated the _____ day of _____, for that [*as in conviction*].

And it was adjudged that the said A. B. should,* for his said offence, pay [*as in conviction*], and should also* pay to the said C. D. the sum of _____ for his costs in that behalf.

And that if the same should not be paid forthwith [*or on or before the day of* _____], the same should be levied by distress and sale of the goods of the said A. B.

And the said A. B., although required to pay the same according to the said conviction, has not paid the same.

Therefore, you are hereby commanded, in the name of His Majesty King Edward, that you forthwith make distress of the goods of the said A. B., and if within the space of _____ days next after the making of such distress the said sums,† together with the reasonable charges of the making and keeping of the said distress, be not paid, then to sell the said goods by you distrained, and pay the money arising thereby into this Court, and if no such distress can be found, then to certify the same to this Court.

J. S. (Seal.)

[*Where the person convicted is to pay costs, but no fine, omit the words between asterisks * *, and for the word sums, marked †, read sum.*]

FORM 23.

Return of Insufficient Distress to be indorsed on Warrant.

(General Heading.)

I, _____, Marshal of this Court, hereby certify that, by virtue of the within-written warrant, I have made diligent search for the goods of the within-named A. B., and that I can find no sufficient goods of him whereon the sums within mentioned can be levied.

Dated the _____ day of _____, 19 .

(Signed) X. Y.

FORM 24.

(Rule 56.)

Warrant of Commitment for Want of Distress.

(General Heading.)

To X. Y., officer of this Court, and to the keeper of [_____] prison at [_____].

[*Proceed as in warrant of distress (Form 22) down to the commencement of the commanding part, and then thus :—*]

And on the day of , 19 , this Court issued a warrant to you, the above-named *X. Y.*, commanding you to levy the said sum of , and [*or* the said sum of , for costs] by distress and sale of the goods of the said *A. B.*

And it now appears to this Court, as well by the return of you, the said *X. Y.*, to the said warrant, as otherwise, that you have made diligent search for the goods of the said *A. B.*, but that no sufficient distress whereon the said sums could be levied could be found.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the said *X. Y.*, to take the said *A. B.* and convey him safely to the prison at [], and there deliver him to the keeper thereof, together with this warrant, and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [], unless the said sums [*or* sum], and all the costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *A. B.*], amounting to the further sum of , be sooner paid.

J. S. (Seal.)

FORM 25.

(Rule 56.)

Warrant on a Conviction for a Fine for Commitment of the Person convicted in the First Instance without previous Warrant of Distress.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of [] prison at [].

A. B., of , [labourer], stands convicted before this Court, by a conviction dated the day of , for that [*as in conviction*].

And it is in and by the said conviction adjudged that the said *A. B.* should, for his said offence, pay [*as in conviction*], and should also pay to the said *C. D.* the sum of for his costs in that behalf.

And that if the said sums should not be paid forthwith [*or* on or before the day of] the said *A. B.* should be imprisoned [and be kept to hard labour], unless the same [and the costs and charges of the conveying of the said *A. B.* to prison] should be sooner paid.

And the said *A. B.*, being required to pay the said sums according to the said conviction, has not done so.

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *A. B.* and convey him to the prison at [], and there deliver him to the keeper thereof, together with this warrant; and you, the said keeper of the said prison, to receive the said *A. B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [], unless the said several sums [and the costs and charges of the conveying of him to the said prison, amounting to the further sum of] be sooner paid.

J. S. (Seal.)

FORM 26.

(Rule 58.)

Warrant of Distress for Costs to be paid by the Person making the Charge on an Order for Dismissal of the Charge.

(General Heading.)

To X. Y., officer of this Court.

A. B., of _____, [labourer], was, on the _____ day of 19____, charged before this Court for that [*as in summons*].

And afterwards, namely, on the _____ day of _____, 19____, both parties appeared before this Court in order that it should hear and determine the said charge [*or the said A. B. appeared before this Court, but the said C. D., although duly called, did not appear*], and thereupon the matter of the said charge being duly considered by this Court [*and it manifestly appearing to this Court that the said charge was not proved*], this Court did dismiss the same, and adjudge that the said C. D. should pay to the said A. B. the sum of _____ for his costs in that behalf, and that if the said sum should not be paid forthwith [*or on or before the _____*], then the same should be levied by distress and sale of the goods of the said C. D.

And the said C. D., although required to pay the same according to the said order, has not paid the same.

Therefore you are hereby commanded—

[*Proceed as in the commanding part of the form of warrant of distress upon conviction, where the person convicted is to pay costs but no fine (Form 22), only substituting the name of C. D. the prosecutor, for the name of A. B., the accused, and for the word sums at the mark † the word sum.*]

J. S. (Seal.)

FORM 27.

(Rule 58.)

Warrant of Commitment for Want of Distress in the last Case.

(General Heading.)

To X. Y., officer of this Court, and to the keeper of [_____] prison at [_____].

[*Proceed as in preceding Form down to the commencement of the commanding part, and then thus :—*]

And on the _____ day of _____, 19____, this Court issued a warrant to you, the above-named X. Y. [*proceed as in Form 22, only substituting the name of C. D., the prosecutor, for the name of A. B., the accused*].

J. S. (Seal.)

FORM 28.

(Rule 43.)

Deposition.

(General Heading.)

{ *Complainant.*
Defendant.

The deposition of _____, of _____, taken in the presence and hearing of said defendant, who stands charged that he did, at _____, on the _____ day of _____, 19____, [*as in charge*].

The said deponent saith, on his oath, that :—

Taken before me, this _____ day of _____, 19____, at _____, *Deponent.*
J. S.

FORM 29.

(Rule 45.)

Statement of the Accused.

(General Heading.)

Whereas _____ stands charged before His Britannic Majesty's Consular Court at _____, this _____ day of _____, in the year of our Lord 19____, for that he, the said _____, at _____, on the _____ day of _____, [*as in charge*], and the said charge being read to the said _____, and the witnesses for the prosecution being severally examined in his presence, the said _____ is now addressed by me as follows :—

“Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. You have nothing to hope from any promise of favour, and nothing to fear from any threat that may have been held out to you to induce you to make any admission, but whatever you say will be taken down, and may be used as evidence against you at your trial.”

Whereupon the said _____ saith as follows :—

FORM 30.

(Rule 47.)

Warrant to commit for Trial.

(General Heading.)

{ *Complainant.*
Defendant.

Whereas a complaint was made on the _____ day of _____, on the oath of _____, that [*as in charge*], and

This is to command you to whom this warrant is addressed to lodge the said _____, of _____, in His Britannic Majesty's Consular prison [*or as the case may be*] at _____, there to be imprisoned by the keeper of the said prison as follows :—

And for so doing this shall be to you, and all whom it may concern, a sufficient warrant.

J. S. (Seal.)

To

FORM 31.

(Rule 47.)

Condition of Bail to appear at Trial.

(General Heading.)

The condition of the within-written recognizance is such that whereas the said *A. B.* was this day charged before me in His Britannic Majesty's Consular Court at _____ for that [*as in charge*]

if, therefore, the said *A. B.* will appear at the next criminal session of the Supreme Court [*or as the case may be*], and there surrender himself into the custody of the keeper of the [civil] prison there, and plead to such charge as may be laid against him, and take his trial upon the same, and not to depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

FORM 32.

(Rule 48.)

Recognizance binding Prosecutor or Witness to prosecute or give evidence.

(General Heading.)

C. D., of _____, [labourer], comes personally before this Court, and acknowledges himself to owe to our Sovereign Lord King Edward the sum of _____, to be levied on his goods if he fails in the condition herein indorsed.

(Signed) *C. D.*

Before me,

J. S. (Seal.)

Condition indorsed.

The condition of the within-written recognizance is as follows :—

The Court has ordered that *A. B.*, of _____, [labourer] be put on his trial [*as in Form 31*].

If, therefore, the within-named *C. D.* appears before this Court [*or as the case may be*] on [_____] at [_____] ,* and then

and there prosecutes the charge [*and gives evidence thereon*],* then the said recognizance shall be void, and otherwise shall remain in full force.

[*Where the recognizance is only to give evidence, substitute for the words between the asterisks * * the following*: And then and there gives evidence on the said charge.]

FORM 33.

(Rule 48.)

Notice of Recognizance to be given to Prosecutor and each of his Witnesses.

(General Heading.)

To *C. D.*, of _____, [labourer].

You are bound in the sum of _____ to appear before this Court on [_____] at [_____], and then and there to prosecute and give evidence against [*or to prosecute, or to give evidence against*] *A. B.*, of _____, [labourer], and unless you do so that sum will be forthwith levied by seizure and sale of your goods.

J. S. [Seal.]

FORM 34.

(Rule 37.)

Certificate of Non-appearance to be indorsed on the Recognizance.

I hereby certify that the said *A. B.* hath not appeared at the time and place in the above condition mentioned, but therein hath made default, by reason whereof the within-written recognizance is forfeited.

J. S. [Seal.]

FORM 35.

(Rule 48.)

Commitment of Witness for refusing to enter into Recognizances.

(General Heading.)

To *X. Y.*, officer of this Court, and to the keeper of [_____] prison at [_____].

Complaint has been made before this Court that *A. B.*, of _____, [labourer], [*as in summons*].

And *E. F.*, of _____, [labourer], having been now examined before this Court concerning the said charge, and, being required, refuses to enter into a recognizance to give evidence against the said *A. B.*

Therefore you are hereby commanded, in the name of His Majesty King Edward, you, the above-named *X. Y.*, to take the said *E. F.* and convey him safely to the above-named prison, and there deliver him to the keeper thereof, with this warrant.

And you, the keeper of the said prison, to receive the said *E. F.* into your custody in the said prison, and to keep him there safely until after the trial of the said *A. B.* for the said offence, unless the said *E. F.* in the meantime consents to enter into such recognizances as aforesaid.

J. S. (Seal.)

FORM 36.

(Rule 48.)

Subsequent Order to discharge Witness.

(General Heading.)

To the keeper of the prison at [].

Whereas by my order, dated the day of , 19 , reciting that *A. B.* was lately before then charged before me for a certain offence therein mentioned, and that *E. F.* having appeared before me, and being examined as a witness for the prosecution in that behalf, refused to enter into a recognizance to give evidence against the said *A. B.*, and I therefore thereby committed the said *E. F.* to your custody, and required you safely to keep him until after the trial of the said *A. B.* for the offence aforesaid, unless, in the meantime, he should enter into such recognizance as aforesaid; and whereas, for want of sufficient evidence against the said *A. B.*, the said *A. B.* has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E. F.* should be detained longer in your custody. These are therefore to order and direct you, the said keeper, to discharge the said *E. F.* out of your custody as to the said commitment, and suffer him to go at large.

Given under my hand at , this day of , 19 .
(Signed) *J. S.*

FORM 37.

(Rule 52.)

Receipt for Prisoner.

(General Heading.)

I hereby certify that I have received from the body of , together with a warrant under the hand of , Esquire, His Britannic Majesty's [Consul] at , and that the said prisoner was at the time he was so delivered into my custody.

This day of , 19 .

*M. N.,**Keeper of the*

FORM 38.

(Rule 40.)

Information to ground Search Warrant.

(General Heading.)

C. D., of , [labourer], sworn, complains that on the day of , the following goods, of the value of , namely :
[Here describe the goods.]
were stolen and unlawfully carried away from and out of , at , by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods, or some of them, are

concealed in [the dwelling-house (describing it) of A. B., of];
for he, the said C. D., on his oath deposes and says that [state the grounds].

Taken and sworn before me, this day of , 19 ,
at

J. S. (Seal.)

FORM 39.

(Rule 40.)

Search Warrant.

(General Heading.)

To X. Y., officer, and other officers of this Court.

Complaint has this day been made by C. D., of that [copy
from charge], and it appears to this Court that, &c.

You are therefore hereby authorized and commanded, in the name of His Majesty King Edward, with proper assistance, to enter the [dwelling-house] of the said A. B., and there to diligently search for the said goods, and if the same, or any thereof, are found on search, to bring the goods so found, and also the said A. B., before the Court to be dealt with according to law. [In case of a search warrant for a person, E. F., under Rule 40 substitute, And there to diligently search for the said E. F., and if he be found on search to bring him before the Court to be dealt with according to law.]

J. S. (Seal.)

CIVIL.

FORM 40.

(Rule 76.)

*Undertaking by next Friend of Infant to be responsible for
Defendant's Costs.*

(General Heading.)

I, the undersigned, E. F., of , being the next friend of A. B., who is an infant, and who is desirous of entering an action in this Court against C. D., of &c., hereby undertake to be responsible for the costs of the said C. D. in such action, in manner following: namely, if the said A. B. fail to pay to the said C. D., when and in such manner as the Court shall order, all such costs of such action as the Court shall direct him to pay to the said C. D., I will forthwith pay the same to the Registrar of the Court.

Dated this day of , 19 .

E. F.

FORM 41.

(Rule 96.)

Writ of Summons.

(General Heading.)

EDWARD, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To , of .

We command you to appear at _____ on the _____ day of _____, 19____, at the hour of _____ in the _____ noon, to answer the above-named plaintiff to a claim, the particulars of which are hereunto annexed.

And take notice, that in default of your so doing, the plaintiff may proceed therein, and judgment may be given in your absence.

Witness [*here insert name of the Judge of the Court by which writ is issued*]
the _____ day of _____, 19____.

The plaintiff's claim is for—

(Signed)

This writ was served by me, _____, on the defendant, _____,
on _____, the _____ day of _____, 19____.
Indorsed the _____ day of _____, 19____.

Signed _____.

Address _____.

FORM 42.

(Rules 98 and 103.)

Indorsements of Character of Parties.

The plaintiff's claim is as executor [*or administrator*] of *C. D.*, deceased, for, &c.

The plaintiff's claim is against the defendant *A. B.*, as executor [*or, &c.*] of *C. D.*, deceased, for, &c.

The plaintiff's claim is against the defendant *A. B.*, as executor of *X. Y.*, deceased, for, &c., and against the defendant *C. D.*, in his personal capacity for, &c.

The plaintiff's claim is as trustee under the bankruptcy of *A. B.* for

The plaintiff's claim is as [*or the plaintiff's claim is against the defendant as*] trustee under the will of *A. B.* [*or under the settlement upon the marriage of A. B. and X. Y., his wife*].

FORM 43.

(Rule 111.)

Affidavit in support of Application for Substituted Service.

(General Heading.)

I, *I. S.* [*address and description*] make oath and say as follows:—

[*State facts showing either that the summons has come to the knowledge of defendant, or that he wilfully evades service of the same. Or, that upon inquiry at his usual place of abode, or at any other place where, prior to the time when the writ was entered, he might probably have been met with, he could not be found so as to be served, and that in either case there is just ground to believe*

that he has gone out of the jurisdiction of the Court, or otherwise absconded to avoid being served.

State deponent's means of knowledge of the facts deposed to.]

Sworn, &c.

FORM 44.

(Rule 111.)

Order for Substituted Service.

(General Heading.)

Upon reading the affidavit of _____, of _____, residing at _____, sworn the _____ day of _____, 19 ____.

It is ordered that the delivery of a sealed copy of the writ issued in this action, together with a sealed copy of this order, to some adult inmate at the usual or last known place of residence or business of the above-named defendant, *C. D.*, situate and being at _____, shall be deemed to be good and sufficient service of the said summons on the said *C. D.* on the day of such delivery.

[*Or*, that notice of the entry of the above-named plaint be published in the _____, and that the publication of such notice shall be deemed to be service of the summons upon the said *C. D.*]

Dated this _____ day of _____, 19 ____.

_____, Registrar.

FORM 45.

(Rule 111.)

Substituted Service.—Notice in Papers.

(General Heading.)

To *C. D.*, of _____.

Take notice that a summons has issued against you in the above Court, by *A. B.*, of _____, for the sum of _____, for goods sold and delivered [*or as the case may be*], and an order has been made that the publication of a notice of the entry of such summons in the _____ shall be deemed to be service of the summons upon you.

The summons will be heard at _____, on the _____ day of _____, at _____ o'clock in the _____ noon, on which day you are required to appear; and if you do not appear, either in person or by a legal practitioner, at the time and place above mentioned, such order will be made and proceedings taken as the Court may think just and expedient.

Dated this _____ day of _____, 19 ____.

_____, Registrar.

FORM 46.

(Rule 119.)

Special Defence.

(General Heading.)

Take notice that the defendant intends at the hearing of this action to give in evidence and rely upon the following ground in defence:—

* * * * *

Dated this day of , 19 . C. D.

[Legal practitioner for] the above-named defendant.

To the Registrar of the Court.

That, the defendant was an infant, within the age of 21 years, when the supposed claim arose [*or*, the supposed contract or agreement was made], and that he was born as he believes at , in , on the day of .

That the defendant is now [*or*, that she was, at the time when the supposed claim arose; *or*, the supposed contract or agreement was made] the wife of , of . And that she was married to him at on the day of , and that he resides at .

That the claim for which the defendant is summoned is barred by a Statute of Limitation [*here set forth the Statute and the date from which it began to run.*]

That the defendant is a discharged bankrupt, and obtained his order of discharge from the [*here state Court*] on the day of .

That no notice of action was given to the defendant pursuant to .

Take notice, that the defendant intends at the hearing of this action to rely as a matter of defence on the statement hereunto annexed.

Statement.

The facts constituting the equitable defence to this action are as follows:—

[*Here set out the facts as concisely as possible, and number the paragraphs as in an affidavit.*]

FORM 47.

(Rule 91.)

Notice for Requisition of Names of Firms.

(General Heading.)

Take notice that you are required to furnish the above-named defendant with a statement in writing, verified by affidavit, setting forth the names of the persons constituting the members or co-partners of your firm, pursuant to Rule 91 of "The China and Corea Rules of Court, 1905."

Dated the day of , 19 . C. D.

[Legal practitioner for] the above-named defendant.

To A. B., the above-named plaintiff.

FORM 48.

(Rule 90.)

Third Party Notice.

(General Heading.)

To *E. F.*

Take notice that this action has been brought by the plaintiff against the defendant as surety for *M. N.* upon a bond conditioned for the payment of _____ to the plaintiff.

The defendant claims to be entitled to contribution from you to the extent of one-half of any sum which the plaintiff may recover against him, on the ground that you are his co-surety under the said bond.

[*Or, to recover damages for a breach of contract for the sale and delivery to the plaintiff of 100 cwt. of wheat.*]

The defendant claims to be indemnified by you against liability in respect of the said contract or any breach thereof, on the ground that it was made by him on your behalf and as your agent.

And take notice, that if you wish to dispute the plaintiff's claim or your liability you must appear before the Court on the _____ at _____ o'clock, and there show cause why you should not be made a party to this action.

In default of your so appearing, judgment may be given against you.

A copy of the original summons [and of the statement of claim] is annexed hereto.

Witness [*here insert name of the Judge of the Court by whom the summons is issued*] the _____ day of _____, 19 .

FORM 49.

(Rule 129.)

Notice of Discontinuance of Action.

(General Heading.)

Take notice that I shall not proceed further in this action, and that I hereby withdraw from the same.

Dated this _____ day of _____, 19 .

_____, Plaintiff.

To the Registrar.

FORM 50.

(Rule 130.)

Defendant's Statement.

(General Heading.)

I, the undersigned defendant [*or, one of the defendants*], disclaim all interest under the will of the said *E. F.*, named in the plaintiff's particulars [*or, as heir-at-law of, or as next-of-kin, or one of the next-of-kin of E. F., deceased, named in the plaintiff's particulars.*]

[*Or I, the undersigned defendant, state that I admit [or deny] [here repeat in the language of the particulars the statements admitted or denied].*]

Or I, the undersigned defendant, submit that upon the facts stated in the plaintiff's particulars it does not appear that there is any agreement which can be legally enforced; or that it appears upon the plaintiff's particulars that I am jointly liable with one *E. F.*, who is not a party to the action, and not severally liable as by the particulars appear; or that it appears by the said plaintiff's particulars that *E. H.* should have been a joint plaintiff with the said *A. B.* in the said action [*or as the case may be*].

Or that the plaintiff has conveyed [*or assigned*] his interest in the said mortgage [*or equity of redemption*] to one *I. J.*, or that I have conveyed [*or assigned*] to *H. L.*, by way of further charge for securing the sum of _____, the equity of redemption in the property sought by the action to be foreclosed.

Or, that since the dissolution of the partnership the plaintiff has executed a deed under seal, whereby the plaintiff covenants to discharge all debts and liabilities of the partnership, and generally to release me from all claims and liabilities either by or to himself and others in respect of the said partnership trading [*or as the case may be*].

(Signed) *C. D.*, Defendant.

Where filed by legal practitioner, add:—

This statement was filed by _____, of _____, legal practitioner for the defendant.

FORM 51.

(Rule 131.)

Admission and Submission to Judgment.

(General Heading.)

I, *C. D.*, the defendant hereto, do hereby confess and admit that [*here state particulars of plaintiff's claim admitted by defendant*], and I submit to judgment thereupon accordingly.

C. D.,

The above-named defendant.

Dated this _____ day of _____, 19 ____.

Signed in the presence of
E. F., Registrar.

FORM 52.

(Rule 136.)

Notice of Payment into Court.

(General Heading.)

Take notice that the defendant, *C. D.*, has paid into [*or transferred into, or deposited in*] Court to the credit of [*state the title of the cause or matter*] the sum of _____ [*or describe the securities transferred or deposited*], and that such sum [*or describe the securities*] represents [*the balance admitted by his affidavit, filed the _____ day of _____, 19 ____*], to be in his hands on account of, &c., or as the case may be], and that such payment [*or transfer or deposit*] has been made [*for the purpose of discharging himself*].

thereof, or under the order dated the _____ day of _____, 19 _____,
as the case may be].

Dated the _____ day of _____, 19 _____.

X. Y., Registrar.

To *A. B.*, the above-named plaintiff.

FORM 53.

(Rule 136.)

Acceptance of Sum paid into Court.

(General Heading.)

Take notice that the plaintiff accepts the sum of _____ paid by
 you into Court in satisfaction of the claim in respect of which it is paid in.

Dated this _____ day of _____, 19 _____.

_____, Plaintiff.

FORM 54.

(Rule 138.)

Interrogatories.

(General Heading.)

Interrogatories on behalf of the above-named [plaintiff or defendant, *C. D.*]
 for the examination of the above-named [defendants, *E. F.* and *G. H.*, or
 plaintiff].

1. Did not, &c.

2. Has not, &c.

[The defendant, *E. F.*, is required to answer the interrogatories numbered
 .]

[The defendant, *G. H.*, is required to answer the interrogatories numbered
 .]

FORM 55.

(Rule 139.)

Affidavit of Answer.

(General Heading.)

The answer of the above-named defendant, *C. D.*, to the interrogatories for
 his examination by the above-named plaintiff.

In answer to the said interrogatories, I, the above-named *C. D.*, make oath
 and say as follows:—

FORM 56.

(Rule 139.)

Order for Delivery of Interrogatories.

(General Heading.)

Upon hearing _____, it is ordered that the _____ be at liberty to deliver to the _____ interrogatories in writing, and that the said _____ do, on or before the _____, answer the interrogatories in writing by affidavit, and return such answers to me for filing on or before the _____, and that the costs of this application be _____

Dated the _____ day of _____, 19 _____, Registrar.

FORM 57.

(Rule 140.)

Order for Discovery of Documents.

(General Heading.)

Upon hearing _____, it is ordered that the _____ do, within _____ days from the date of this order, answer on affidavit, stating what documents are or have been in _____ possession or power relating to the matters in question in this action, and that the costs of this application be _____

Dated the _____ day of _____, 19 _____

FORM 58.

(Rule 140.)

Affidavit of Discovery.

(General Heading.)

I, *C. D.*, the above-named defendant, make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in question in this suit set forth in the first and second parts of the first Schedule hereto.

2. I object to produce the said documents set forth in the second part of the said first Schedule hereto.

3. That [*here state upon what grounds the objection is made, and verify the facts as far as may be*].

4. I have had, but have not now, in my possession or power, the documents relating to the matters in question in this suit set forth in the second Schedule hereto.

5. The last-mentioned documents were last in my possession or power on [*state when*].

6. That [*here state what has become of the last-mentioned documents, and in whose possession they now are*].

7. According to the best of my knowledge, information, and belief, I have not now and never had in my possession, custody, or power, or in the possession,

custody, or power of any legal practitioner, agent, or other person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of, or extract from, any such document, or any other document whatsoever relating to the matters in question in this suit, or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in the said first and second Schedule hereto.

First Schedule :—

Second Schedule :—

FORM 59.

(Rule 132.)

Notice to admit Documents.

(General Heading.)

Take notice that the plaintiff [*or* defendant] in this cause proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or* plaintiff], his legal practitioner, or agent, at _____, on _____, between the hours of _____; and the defendant [*or* plaintiff] is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed, or executed as they purport respectively to have been; that such as are specified as copies are true copies, and such documents as are stated to have been served, sent, or delivered were so served, sent, or delivered respectively, saving all just exceptions to the admissibility of all such documents as evidence in this cause.

Dated, &c.

(Signed)

To *E. F.*, legal practitioner [*or* agent] for defendant [*or* plaintiff].

To *G. H.*, legal practitioner [*or* agent] for plaintiff [*or* defendant].

FORM 60.

(Rule 133.)

Notice to admit Facts.

(General Heading.)

Take notice that the plaintiff [*or* defendant] in this cause requires the defendant [*or* plaintiff] to admit, for the purpose of this cause only, the several facts respectively hereunder specified, and the defendant [*or* plaintiff] is hereby required, within six days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this cause.

Dated, &c.

To *G. D.*, legal practitioner [*or* agent] for the plaintiff [*or* defendant].

To *E. F.*, legal practitioner [*or* agent] for the defendant [*or* plaintiff].

The facts the admission of which is required are—

1. That John Smith died on the 1st January, 1890.
2. That he died intestate.

3. That James Smith was his lawful son.
4. That James Smith died on the 1st April, 1895.
5. That James Smith never was married.

FORM 61.

(Rule 135.)

Notice to produce.

(General Heading.)

Take notice that the plaintiff [*or defendant*] requires you to produce for his inspection the following documents referred to in your statement of claim [*or defence, or affidavit*], dated the day of , A.D.

[*Describe documents required.*]

X. Y., legal practitioner to the

To Z., legal practitioner for

FORM 62.

(Rule 143.)

Summons to Witness to give Evidence.

(General Heading.)

You are hereby required to attend at [] on , the day of , 19 , at the hour of in the noon, to give evidence in the above action on behalf of the [*plaintiff or defendant, as the case may be*].

In default of your attendance you will be liable to a penalty of .

Dated this day of , 19 .

X. Y., Registrar.

To

FORM 63.

(Rule 143.)

Summons to Witness to produce Documents.

(General Heading.)

You are hereby required to attend at , on , the day of , 19 , at the hour of in the noon, on the hearing of the above action, to give evidence on behalf of and also to bring with you, and produce at the time and place aforesaid, the several documents hereunder specified [*and all the books, papers, writings, and other documents relating to the above action which may be in your custody, possession, or power*]. In default of your attendance you will be liable to a penalty of .

X. Y., Registrar.

To

[*Here insert list of documents required to be produced.*]

FORM 64.

(Rule 145.)

Order to produce Documents.

(General Heading.)

EDWARD, by the grace of God, &c.,

To [*the names of three witnesses may be inserted*],

Greeting :

We command you to attend before _____ on _____ day,
 the _____ day of _____, 19____, at the hour of _____ in the _____ noon,
 and so from day to day until the above cause is tried, to give evidence on behalf
 of the _____, and also to bring with you and produce at the time and
 place aforesaid [*specify documents to be produced*].

Witness, &c.

FORM 65.

(Rule 147.)

Notice to admit Affidavits.

(General Heading.)

Take notice that it is intended to produce at the trial of the above cause the
 affidavit of _____ and to tender the same in evidence, and you are
 hereby required to admit the same.

A. B., Plaintiff,

or

C. D., Defendant

[*as the case may be*].

To C. D., Defendant,

or

A. B., Plaintiff

[*as the case may be*].

FORM 66.

(Rule 148.)

Order to take Evidence de bene esse.

(General Heading.)

Upon hearing _____, and upon reading the affidavit of
 filed the _____ day of _____, 19____, and _____, it is ordered that
 _____, a witness on behalf of the _____, be examined *viva voce*
 on oath [*or affirmation*] before the _____ [*or before* _____,
 Esquire, Special Examiner], the _____ legal practitioner, giving to the
 _____ legal practitioner notice in writing of the time and place where
 the examination is to take place. And it is further ordered that the examina-
 tion so taken be filed in the _____, and that an office copy or copies
 thereof may be read and given in evidence on the trial of this cause, saving all
 just exceptions, without any further proof of the absence of the said witness

than the affidavit of the legal practitioner of the _____ as to his belief,
and that the costs of this application be _____.

Dated the _____ day of _____, 19 ____.

FORM 67.

(Rule 150.)

Notice to Registrar of Change in Plaintiff's or Defendant's Title before Judgment.

(General Heading.)

I hereby give you notice that _____, the plaintiff [or defendant] in the above action, died upon the _____ day of _____, and that his last will and testament was duly proved by me in the _____ [or that letters of administration to his personal estate and effects were duly granted to me] upon the _____ day of _____, 19____, and that I am the executor of his said will [or that I am the administrator of the personal estate and effects of the said deceased].

[Or, the above-named _____, by an assignment dated the _____ day of _____, duly assigned all his interest in the subject-matter of the above action to me, the Undersigned.]

And further take notice that I am desirous of being substituted as plaintiff [or defendant] in the action against the above-named _____, in the place of the said _____ [or in addition to the said plaintiff or defendant].

Dated this day of .
(Signature)

To the Registrar of the Court and to the above-named plaintiff [or defendant].

FORM 68.

(Rule 150.)

*Notice to Plaintiff or Defendant of Change in Plaintiff's or Defendant's Title
before Judgment.*

(General Heading.)

I hereby give you notice that _____, of _____, as executor of the last will and testament of _____, deceased [or as administrator of the personal estate and effects of _____, deceased; or as assignee under an assignment dated the _____ day of _____, has this day filed an affidavit, together with a notice, a copy of which notice is hereunto annexed, stating that he is desirous of being substituted as plaintiff [or defendant] in the above action in the place of _____ [or added as plaintiff or defendant with] the above-named plaintiff [or defendant] in the above action.

And further, take notice that unless you appear at the hearing of this action upon the _____ day of _____, 19____, at _____ o'clock in the _____ noon, to show cause against the same, the said _____ will be substituted for [or made a joint plaintiff or defendant with] the above-named plaintiff [or defendant].

FORM 69.

(Rule 167.)

(Seal.)

Judgments.

(General Heading.)

It is this day adjudged that—

(Here enter terms of Judgment.)

and it is further ordered that the defendant do pay the sum found to be due on taxation of plaintiff's costs herein.

Upon hearing this cause at a Court holden this day, it is adjudged that judgment be entered for the defendant , and that the plaintiff do pay the sum of for the defendant's costs. And it is ordered that the plaintiff do pay the same to the Registrar of this Court on the day of .

Given under the seal of the Court, this day of ,
19 .

By the Court,
, Registrar.

To the

FORM 70.

(Rule 167.)

Form of Judgment.

(General Heading.)

It is this day adjudged that the plaintiff do recover against the defendant the sum of for and for costs, amounting together to the sum of . And it is ordered that the defendant do pay the same to the Registrar of the Court on or before

Date.	Amount.	Received by.

Given under the seal of the Court, this day of , 19 .

By the Court,
, Registrar.

To the Defendant.

FORM 71.

(Rule 170.)

Notice of Payment into Court.

(General Heading.)

I hereby give you notice, that the defendant has paid into Court the sum of _____ under the judgment obtained by you against him.

Dated the _____ day of _____, 19 ____.

X. Y., Registrar.

FORM 72.

(Rule 171.)

Writ of Injunction.

(General Heading.)

To [insert the names of the person or persons against whom the injunction is awarded].

Whereas [if awarded by a judgment say, by a certain judgment made by the above Court on the _____ day of _____, 19 ____] [but if awarded on motion say, upon motion made unto the above Court on the _____ day of _____, 19 ____], in an action wherein *A. B.* is plaintiff, and you, the said *C. D.*, are defendant, and upon [set out the recitals in the judgment or order, and as much of the mandatory part thereof as relates to the injunction].

We, therefore, in consideration of the premises, do hereby [if perpetual add, from henceforth and for ever] strictly enjoin and restrain you, the said *C. D.* [your servants, agents, and workmen], under the penalty of [insert any nominal amount, generally double the estimated amount or value of the property in question in the action, or of the estimated damage], to be levied upon your [if more than one add, and each and every of your] lands, goods, and chattels from [repeat the mandatory part of the judgment or order relating to the injunction].

Given at _____, this _____ day of _____, 19 ____.

E. F., Consul.

FORM 73.

(Rule 185.)

Warrant of Sequestration.

(General Heading.)

To*

Greeting:

Whereas, lately in the above Court in a certain action there depending, wherein *A. B.* is plaintiff and *C. D.* and others are defendants [or in a certain matter there depending entitled "In the matter of *E. F.*"], by a judgment [or order] of the said Court made in the said action [or matter], and bearing date

* This warrant must be directed to not less than four persons nominated by the party issuing the warrant.

the day of , 19 , it was adjudged [*or ordered*] that the said *C. D.* should [*here recite the judgment or order*]:

Know ye, therefore, that we, in confidence of your prudence and fidelity, have given, and by these presents do give, to you, or any three or two of you, full power and authority to enter upon all the messuages, lands, tenements, and real estate whatsoever of the said *C. D.*, and to collect, receive, and sequester into your hands not only all the rents and profits of his said messuages, lands, tenements, and real estate, but also all his goods, chattels, and personal estate whatsoever; and, therefore, we command you, any three or two of you, that you do at certain proper and convenient days and hours, go to and enter upon all the messuages, lands, tenements, and real estate of the said *C. D.*, and that you do collect, take, and get into your hands not only the rents and profits of his said real estate, but also all his goods, chattels, and personal estate, and detain and keep the same under sequestration in your hands until the said *C. D.* shall [*here state the act to be done as in the judgment or order*] clear his contempt, and the said Court make other order to the contrary.

Given at , the day of , 19 .
E. F., Consul.

Return Nulla Bona.

[*To be indorsed on the Warrant if no Effects are found.*]

To His Britannic Majesty's Consular Court at

By virtue of the within writ, we do certify that we have made diligent search and inquiry after the real estate and goods, chattels, and personal estate of the within-named *C. D.*, but cannot find that he is possessed of any real or personal estate that we can sequester and take into our hands, as by the within warrant we are commanded.

Witness our hands; the day of , 19 .
X. Y.,
T. Z.,
Sequestrators.

General Notice by Sequestrators.

(General Heading.)

To *E. F.*, of , and to whom else it may concern.

Whereas the above-named *C. D.* formerly carried on business at, &c., and resided at, &c., and now has offices at, &c.:

Now we, the undersigned [being the sequestrators named in the writ of sequestration hereinafter set forth], hereby give you, and each and every of you, notice that a warrant of sequestration has been issued out of His Britannic Majesty's Consular Court at , in the words and figures following, that is to say [*here set out a copy of the warrant*], and which said warrant is indorsed as follows [*here set out a copy of the indorsement*].

And further take notice, that we require from you, and each and every of you, an account of the messuages, lands, tenements, and real estate whatsoever of the said *C. D.* in your possession, tenure, and occupation; and also an account of all his goods, chattels, and personal estate whatsoever in your possession, custody, or power; and also an account of all other the real and leasehold and other personal estate whatsoever of the said *C. D.*; and that you, and every of

you, desist from aiding and abetting the said *C. D.* in disposing of the same, or any part thereof, respectively.

And take notice that we, the undersigned, require you, and each and every of you, to pay to us all rents, issues, profits, and annual proceeds, interests, dividends, and annuities, debts, and all other sum or sums of money whatsoever now due and payable from you respectively to the said *C. D.*, or which may hereafter grow or accrue due, or become owing and payable from you respectively to the said *C. D.*

Dated the day of , 19 .

X. Y.

T. Z.

Sequestrators.

NOTE.—All communications to be addressed to

FORM 74.

(Rule 187.)

Notice of Execution.

(General Heading.)

Take notice that the warrant of execution against your goods on the judgment obtained against you in this cause is for the following amount:—

Amount for which judgment was obtained ..	..	..	..
Since paid by you into Court ..	..	..	..
Remaining due on judgment ..	..	..	..
Costs for issuing this warrant..	..	..	..

Total amount to be levied

E. F., Registrar.

To the above-named defendant.

FORM 75.

(Rule 188.)

Warrant of Execution.

(General Heading.)

Whereas on the day of , 19 , the plaintiff obtained a judgment in this Court against the defendant for the sum of for and costs. And it was thereupon ordered by the Court that the defendant should pay the same to the Registrar on the . And whereas default has been made in payment according to the said order. These are, therefore, to require and order you forthwith to make and levy by distress and sale of the goods and chattels of the said defendant wheresoever they may be found within the jurisdiction of this Court (except the wearing apparel and bedding of him or his family, and the tools and implements of his trade, if any, to the value of 5*l.*), the sum stated at the foot of this warrant being the amount due to the plaintiff under the said order, including the costs of this execution. And also to seize and take any money or bank notes, and any

cheques, bills of exchange, promissory notes, bonds, specialities, or securities for money of the defendant which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you have so levied to the Registrar of this Court, and make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court, this day of , 19 .

By the Court,
 , Registrar.

To the Marshal or his lawful deputy.

Amount for which judgment was obtained

Paid into Court..	..	..	..	..	..
-------------------	----	----	----	----	----

Remaining due

Costs of issuing this warrant ..	..	..	..
----------------------------------	----	----	----

Total amount to be levied

Notice.

The goods and chattels are not to be sold until after the end of five days next following the day on which they may have been taken, unless they be of a perishable nature, or at the request of the said defendant.

Application was made to the Registrar for this warrant at _____ minutes
past the hour of _____ in the _____ noon of the _____ day of _____, 19 ____.

FORM 76.

(Rule 189.)

Certificate issued under Rule 189.

(General Heading.)

His Majesty's Court doth hereby certify that [here state name, business, or occupation and address of person obtaining judgment, and whether plaintiff or defendant] on the day of , 19 , obtained judgment against [here state name, business, or occupation and address of person against whom judgment was obtained, and whether plaintiff or defendant] in this Court for payment of the sum of on account of [here state shortly the nature of the claim, with the amount of costs, if any, for which judgment was obtained].

[To be signed by the Registrar of the Court from which the certificate issues,
and to be sealed with the seal of the Court.]

FORM 77.

(Rule 190.)

Judgment Summons.

(General Heading.)

Whereas the plaintiff obtained a judgment against you, the above-named defendant, at a Court holden on the _____ day of _____, 19____, for the

payment of for and for costs upon which and
the subsequent process issued thereon the sum of is now due :

You are therefore hereby summoned to appear personally in this Court
at , on the day of , 19 , at the hour of
in the noon, to be examined by the Court, touching your estate and effects,
and the circumstances under which you contracted the said debt, and as to the
means and expectation you then had and as to the means you still have of
discharging the said debt, and as to the disposal you may have made of any
property, and also to show cause why you should not be committed to prison for
such default.

Dated this day , 19 .

X. Y., Registrar.

Amount of judgment or order, including costs	..				
Cost of warrant against the goods (if any)	..	..			
Cost of previous judgment summonses, hearing, and commitments (if any)	..	..	..	..	..
Costs of this summons	..	..	..	..	..
Paid into Court..	..	..	..	..	..
Amount unpaid and due on judgment	..	..			
Deduct amount of instalments at per month, which were not required to have been paid before the date of the summons	..	..	..	..	..
Amount upon the payment of which no further proceedings can be had until default of payment of next instalment	..	..	..	..	..

FORM 78.

(Rule 190.)

Order for Payment by Instalments on a Judgment Summons.

(General Heading.)

Whereas the plaintiff obtained a judgment of this Court against the
defendant for the sum of for and costs, upon which
judgment and the subsequent process issued thereon the sum of
is still due ;

And whereas a summons was at the instance of the plaintiff duly issued out
of this Court, by which the defendant was required to appear personally at this
Court this day to answer such questions as might be put to him, pursuant
to in relation to such :

It is ordered that the defendant do pay the amount still remaining due
on the judgment, and the costs of the said summons and its hearing, as stated at
the foot of this order, to the Registrar of this Court by instalments of
for every days, the first payment to be made
on , the day of . In case default be made
in payment of any one of such instalments, and execution issue, it shall be for
the whole of the above amount then remaining due.

Amount of judgment or order, including costs ..
 Costs of warrant against the goods, if any
 Costs of previous judgment summonses, hearing, and
 commitments..

Paid into Court

Amount unpaid and due on judgment
 Deduct amount of instalments at .. per
 month, which were not required to have been paid
 before the date of this warrant

Amount upon the payment of which the prisoner is
 to be discharged

This warrant remains in force one year from the date hereof.

FORM 80.

(Rule 195.)

Warrant of Commitment where Judgment Debtor does not appear.

(General Heading.)

To the Marshal or his lawful deputies, and to the keeper of the prison
 at ..

Whereas the plaintiff obtained a .. against the defendant on
 the .. day of .., 19 .., for the payment of ..
 for .. and costs, upon which .. and the subsequent process
 issued thereon, the sum of .. was at the date of the issuing of the
 summons hereinafter mentioned and still is due ;

And whereas a summons was, at the instance of the plaintiff, duly issued
 out of this Court, by which the defendant was duly required to appear on
 the .. day of .., 19 .., to answer such questions as might
 be put to him in relation to such .., which summons was proved to
 have been personally and duly served on the defendant ;

And whereas the defendant did not attend as required by the said summons,
 or allege any sufficient excuse for not so attending, and thereupon it was
 ordered by the Court that the defendant should be committed for the term
 of .. days to the prison at .. :

These are, therefore, to require you, the said Marshal and others, to take the
 defendant and to deliver him to the keeper of the prison at .., and
 you, the said keeper, are hereby required to receive the defendant, and him
 safely keep in the said prison for .. days from the arrest under this
 warrant, or until he shall be sooner discharged.

Given under the seal of the Court, this .. day of .., 19 ..
 .., Registrar.

Amount of judgment order, including costs. . .
 Costs of warrant against the goods, if any
 Costs of previous judgment summonses, hearing,
 and commitments

Paid into Court

Amount unpaid and due on judgment
 Deduct amount of instalments at .. per
 month, which were not required to have been
 paid before the date of this warrant

Amount upon the payment of which the prisoner is
 to be discharged

This warrant remains in force from one year from the date hereof.

FORM 81.

(Seal.)

(Rule 195.)

Certificate to discharge Prisoner.

(General Heading.)

I hereby certify that the defendant, who was committed to your custody by virtue of a warrant of commitment under the seal of this Court, bearing date the day of , 19 , has paid and satisfied the sum of money for the non-payment whereof he was so committed, together with all costs due and payable by him in respect thereof; and that the defendant may, in respect of such warrant, be forthwith discharged out of your custody.

Given under the seal of the Court, this day of , 19 .

By leave of the said Court,
 X. Y., Registrar.

To the keeper of the prison at .

FORM 82.

(Rule 203.)

Interpleader Summons.

(General Heading.)

Let the above-named plaintiff, or his legal practitioner, and also Mr. E. F., of , attend the Court at on , the day of , 19 , at of the clock in the noon, on the hearing of an application on the part of the defendant that the said E. F. may be ordered to state to the Court the nature and particulars of his claim to [*here describe the property or thing the right to which is in question*] the subject-matter of this action, and either to maintain or to relinquish his said claim; and that the costs of the said defendant, C. D., of this action, including the costs of this application, may be taxed. And that the said defendant, C. D., may be at liberty, out of the sum of in his hands, the subject-matter of this action, to retain the amount of the said costs

when taxed and certified, without prejudice to the question by whom the same costs are ultimately to be borne. And that the said defendant, *C. D.*, may be at liberty to pay the residue of the said sum of _____ after retaining thereout the amount of the said costs to the credit of this action. And that upon such payment into Court being made as aforesaid, all further proceedings in this action may be stayed as against the said defendant, *C. D.*, and that such further order may be made for the purpose of determining the rights of the plaintiff and of the said *E. F.* in the residue of the said sum of _____, the subject-matter of this action, as may appear to be just and reasonable.

Given at _____, the _____ day of _____, 19 ____.
X. Y., Registrar.

[Where no action is commenced, this Form is to be varied by references to the parties by their names only, the claimants being *A. B.* and *E. F.*, and the garnishee, *C. D.*]

FORM 83.

(Rule 204.)

Summons in Interpleader by the Marshal.

(General Heading.)

Let the above-named plaintiff, the judgment creditor, or his legal practitioner, and also Mr. *E. F.*, of _____, attend at the Court at _____ on _____, the _____ day of _____, 19 __, at _____ of the clock in the _____ noon, on the hearing of an application on the part of the Marshal of _____, that the said plaintiff and the said *E. F.* may be ordered to state the nature and particulars of their respective claims to the goods and chattels seized by the said Marshal of _____, under the writ of *fiery facias* issued in this action, and either to maintain or to relinquish their said claims, and that such order may be made for the adjustment of the said claims, and for the relief and protection of the said Marshal, as shall appear to be just.

Given at _____, the _____ day of _____, 19 ____.
X. Y., Registrar.

FORM 84.

(Rule 212.)

Order of Reference.

(General Heading.)

Whereas by an agreement in writing dated the _____ day of _____, 19 __, and made between *A. B.*, of _____, of the one part, and *C. D.*, of _____, of the other part, it was agreed that all disputes and matters between the said *A. B.* and the said *C. D.* should be referred to the arbitrament and final determination of two fit and indifferent persons, to be elected and chosen, one by the said *A. B.* and the other by the said *C. D.* And the said *A. B.* having nominated and appointed X. Y., of _____, and the said *C. D.* having nominated T. Z., of _____, to be the Arbitrators on their respective parts to settle and determine all disputes and matters in difference between

them, all such disputes and matters in difference are hereby referred to the said *X. Y.* and *T. Z.* accordingly.

Given at _____, the _____ day of _____, 19 .
M. N., Consul.

FORM 85.

(Rule 213.)

Form of Award.

To all to whom these presents shall come :

We, *X. Y.* and *T. Z.*, of _____, send greeting :

Whereas [*recite the agreement or submission, or so much of its terms as may be essential to show the authority of the Arbitrator or Umpire with respect to the subject-matter of reference, and the time, power of enlargement, and manner of making the award. Recite the enlargements, if any, and continue thus :*]

Now know ye that we, the said *X. Y.* and *T. Z.*, having taken upon ourselves the burden of the said arbitration, and having heard and duly considered all the allegations and evidence of the said respective parties of and concerning the said matters in difference, and so referred as aforesaid, do make and publish this our award in writing of and concerning the said matters so referred to us ; and do hereby award [*insert a distinct statement of the Arbitrators' decision on all the points referred to them*].

In witness whereof we have hereunto set our hands and seals, this
 day of _____, 19 .

X. Y. (Seal.)

T. Z. (Seal.)

Signed, sealed, and delivered by the said *X. Y.* and *T. Z.*, in the presence of—

G. H., of [_____].

FORM 86.

(Rule 216.)

Notice of Publication of Award.

In the matter of an arbitration between *A. B.* and *C. D.*

Gentlemen,

We hereby give you notice that we have made and published our award in writing in this matter, and that it lies at _____, ready to be delivered upon payment of our charges, amounting to _____.

Dated the _____ day of _____, 19 .

X. Y.

T. Z.

To *A. B.* and *C. D.*

FORM 87.

(Rule 220.)

Notice to Judgment Debtor to attend and be examined.

(General Heading.)

To the above-named *C. D.*

Take notice that you are hereby required, in obedience to the order made in this action, and dated the day of , 19 , to attend before this Court at , on day, the day of , 19 , at of the clock in the noon, for the purpose of being examined *vivâ voce* and on oath as to your means, and as to the debts due and owing and accruing due to you. And further, take notice that, in further obedience to the said order, you are hereby required to bring with you and to produce to the said Court upon such examination all books, accounts, and other documents in your possession, custody, or power, in any way relating, or containing any entry relating, to such debts.

Dated the day of , 19 .

X. Y., Registrar.

FORM 88.

(Rule 221.)

Garnishee Summons.

(General Heading.)

Whereas the plaintiff, at a Court holden on the day of , 19 , obtained a judgment against for the sum of and costs, which judgment remains unsatisfied. And whereas the plaintiff having filed an affidavit stating that you are indebted to the said , you are hereby summoned to appear at a Court holden at , on the day of , 19 , at the hour of in the noon, to show cause why an order should not be made upon you for the payment of the amount of the said judgment, or so much thereof as shall equal the amount of the debts due and owing and accruing from you to the said .

And take notice that, from and after the service of the summons upon you, all such debts are attached to answer the said judgment, and that if you shall pay the said debts to the said , or otherwise dispose of them, you will be liable to be committed for contempt.

And further take notice, that if you shall pay to the Registrar of the Court the amount of such debts, or so much thereof as will satisfy the judgment debt, two clear days before the day you are required to appear, you will incur no costs.

Dated this day of , 19 .

X. Y., Registrar.

To *E. F.*,

The Garnishee.

(Rule 239.)

(General Heading.)

Dated this day of , 19 .
To the .

(Rule 239.)

(General Heading.)

[To be added to notice to obligee: And further take notice, that if you have any valid objection to make to the sureties, or either of them, such objection must then be made].

Dated this day of , 19 .
To the plaintiff [*or* defendant]. , Registrar of the Court.

(Rule 239.)

(General Heading.)

I, _____, of _____, one of the sureties for the defendant, make oath and say, that I am a householder residing at [describing particularly the city, street or place, and the number of the house, if any]; that I am worth property to the amount of _____, [the amount required by the practice of the Court] over and above what will pay my just debts [if security in any other action or for any other purpose add, and every other sum for which I am now security]; that I am not bail or security in any other action or proceeding, or for any other person [or if security in any other action or actions, add, except for C. D., at the suit of E. F., in the Court of _____, in the sum of _____; for G. H., at the suit of I. K., in the Court of _____, in the sum of _____, specifying the several actions with the Courts in which they are brought, and the sums in which he has become bound]; that this my property, to the amount of the said sum of _____ [and if security in any other action, &c., over and above all other sums for which I am now security as aforesaid] consists of [here specify the nature and value of the property in respect of which the deponent proposes to become bondsman, as

follows] stock in trade in my business of _____, carried on by me
 at _____, of the value of _____, of good book debts
 owing to me to the amount of _____, of furniture in my house
 at _____, of the value of _____, of a dwelling-house of the value
 of _____, situate at _____, occupied by _____, [or of other
property, particularizing each description of property, with the value thereof],
 and that I have for the last six months resided at _____ [describing
*the place of such residence, or if he has had more than one residence during that
 period, state it in the same manner as above directed*].

FORM 92.

(Rule 261.)

Judgment in Detinue.

(General Heading.)

This action coming on for trial this day before this Court [with Assessors]
 in the presence of the plaintiff and the defendant, it is this day adjudged that
 the plaintiff recover against the defendant the following chattels, that is to say
 [here enumerate the chattels], or the sum of _____, their value, and also
 damages for the detention thereof in the sum of _____, and costs to
 be taxed.

FORM 93.

(Rule 262.)

Warrant of Delivery.

(General Heading.)

To the Marshal of His Britannic Majesty's Consular Court at

Greeting :

We command you, that without delay you cause the following chattels, that
 is to say [here enumerate the chattels named in the judgment], to be returned to
A. B., which the said *A. B.* lately in this Court recovered against *C. D.* [or
 which *C. D.* was ordered to deliver to the said *A. B.*] in an action in the said
 Court. And we further command you, that if the said chattels cannot be found
 within the jurisdiction of the Court, you distrain the said *C. D.* by all his lands
 and chattels within the jurisdiction, so that neither the said *C. D.* nor any one
 for him do lay hands on the same until the said *C. D.* render to the said *A. B.*
 the said chattels; and in what manner you shall have executed this warrant
 make appear in the said Court immediately after the execution hereof, and have
 you there then this warrant.

Witness my hand at _____, this _____ day of _____, 19 ____.
 M. N., Consul.

FORM 96.

(Rule 280.)

Petition for Administration.

(General Heading.)

In the goods of , deceased.

The humble petition of , of ,

Sheweth:

1. That your petitioner is of the said late , who died intestate in , on the day of , 19 .

2. That the said left h surviving, your petitioner, his and .

3. That the said left personal estate and effects within the jurisdiction of this Court, which are yet unadministered.

4. That your petitioner is above the age of 21 years, and is resident in , and is desirous to take out letters of administration to the estate and effects of the said deceased.

Wherefore your petitioner humbly prays that letters of administration of all and singular the personal estate and effects, rights, and credits in , which were of the said late , may be granted to your petitioner on the usual terms and conditions.

And your petitioner will ever pray, &c.

, 19 .

FORM 97.

(Rule 280.)

Petition for Administration with Will annexed.

(General Heading.)

In the goods of , deceased.

The humble petition of A. B., of .

Sheweth:

1. That , late of , made last will and testament in writing, dated the day of , 19 , duly executed and attested, and whereof he appointed A. B., of , and C. D., of , executors.

2. The said C. D. is now dead.

3. The said testat died at , in , on the day of , 19 , without having revoked or altered said will.

4. The said testat left personal estate and effects in , and your petitioner, as such surviving execut by said will, is desirous that letters of administration with the said will annexed may be granted to h .

Your petitioner therefore humbly prays that letters of administration with the said will of the said testat annexed may be granted to h by this Court.

And your petitioner will ever pray, &c.

A. B.

19 .

FORM 98.

*Affidavit of Attesting Witness in proof of due Execution of Will
or Codicil.**

(General Heading.)

I, *C. D.*, of _____, make oath and say that I am one of the subscribing witnesses to the last will [*or codicil, as the case may be*] of *A. B.*, late of _____, deceased, the same being now hereto annexed, bearing date _____, and that the testator executed the said will [*or codicil*] on the day of the date thereof, by signing his name at the foot or end thereof [*or in the testimonium clause thereof, or in the attestation clause thereto, as the case may be*], and the same now appears thereon (**) in the presence of me and of _____ the other subscribing witness thereto, both of us being present at the same time, and we thereupon, attested and subscribed the said will [*or codicil*] in the presence of the testator.

C. D.

(Jurat.)

* To be required when there is not a formal and regular attestation clause.

** *If the signature is in the testimonium clause or attestation clause insert :*
Intending the same for his final signature to his will.

FORM 99.

Oath for Executor.

(General Heading.)

I, *C. D.*, of _____, make oath and say as follows:—

1. I believe the paper writing [*or the paper writings*] hereto annexed and marked by me (*) to contain the true and original last will [*or last will with codicils*] of *A. B.*, late of _____, deceased.

2. I am the sole executor [*or one of the executors*] therein named [*or executor according to the tenour thereof, executor during life, executrix during widowhood, or as the case may be*].

3. I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his will [*or will and codicils*] so far as his personal property shall extend and the law bind me.

4. I will exhibit an inventory, and render an account of my executorship whenever lawfully required.

5. The testator died at _____, on the _____ day of _____, 19 ____.

6. At the time of his death he had his fixed place of abode at _____ within the district of this Court.

7. The whole of his personal property does not amount in value to the sum of _____ pounds, to the best of my knowledge, information, and belief.

C. D.

(Jurat.)

* Each testamentary paper to be marked by the persons sworn and the person administering the oath.

Where more executors than one are appointed, and all are not sworn, a

memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor, or that they have or he has renounced.

FORM 100.

Oath for Administrator with Will annexed.

(General Heading.)

I, C. D., of _____, make oath and say as follows:—

1. I believe the paper writing [*or paper writings*] hereto annexed and marked by me (*) and to contain the true and original last will [*or last will with* _____ *codicils*] of A. B., late of _____, deceased.

2. The executor therein named is dead without having taken probate thereof [*or as the case may be*].

3. I am the residuary legatee in trust named therein [*or as the case may be*].

4. I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his will [*or will and* _____ *codicils*], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law.

5. I will exhibit an inventory, and render an account of my administration whenever lawfully required.

6. The testator died at _____, on the _____ 19 .

7. At the time of his death he had his fixed place of abode at _____ within the jurisdiction of this Court.

The whole of his personal property does not amount in value to the sum of _____ pounds, to the best of my knowledge, information, and belief.

C. D.

(Jurat.)

* Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

FORM 101.

Oath for Administrator (not with Will annexed).

(General Heading.)

I, C. D., of _____, make oath and say as follows:—

1. A. B., late of _____, deceased, died intestate, a bachelor, without parent, brother or sister, uncle or aunt, nephew or niece.

2. I am his lawful cousin german, and one of his next of kin [*this must be altered in accordance with the circumstances of the case*].

3. I will faithfully administer the personal property of the deceased by paying his just debts, and distributing the residue of his property according to law.

4. I will exhibit an inventory, and render an account of my administration whenever lawfully required.

5. The deceased died at _____, on the _____ day of _____, 19 _____.

6. At the time of his death he had his fixed place of abode at _____, within the district of this Court.

7. The whole of his personal property does not amount in value to the sum of _____ pounds, to the best of my knowledge, information, and belief.

C. D.

(Jurat.)

FORM 102.

(Rule 280.)

Citation for Probate.

(General Heading.)

19 .

In virtue of an order of His Majesty's said Court, bearing date this day, I do hereby monish and cite all and all manner of persons to appear in the said Court in ten days from the date hereof, and show cause, if any they have, why the last will and testament of _____, deceased, should not be proved, approved, and registered, and letters executorial thereof granted to _____, named therein, as, in default thereof the Court will proceed to grant the same accordingly.

_____, Registrar,
His Britannic Majesty's Consular Court at _____.

FORM 103.

(Rule 280.)

Citation for Letters of Administration.

(General Heading.)

19 .

In virtue of an order of His Majesty's said Court, bearing date this day, I do hereby monish and cite all and all manner of persons to appear in the said Court in ten days from the date hereof, and show cause, if any they have, why letters of administration of all and singular the goods, chattels, rights, and credits of _____ should not be granted unto _____, as, in default thereof, the Court will proceed to grant the same accordingly.

_____, Registrar,
His Britannic Majesty's Consular Court at _____.

FORM 104.

(Rule 281.)

Probate.

(General Heading.)

In the goods of _____, deceased.

Be it known that on the _____ day of _____, in the year of our Lord 19____, the last will and testament of _____, deceased, who died at _____, on or about the _____ day of _____, 19____ was proved and registered in His Britannic Majesty's Consular Court at _____, and that administration of all and singular the personal estate

and effects of the said deceased within the jurisdiction of His Majesty's Supreme Court for China and Corea was granted by the aforesaid Court to _____, the _____ named in the said will _____, the said _____, having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and the legacies contained in _____ said will so far as _____ thereunto bound by law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

By the Court,
_____, Registrar.

FORM 105.

(Rule 281.)

Letters of Administration.

(General Heading.)

In the goods of _____, deceased.

Be it known, that on the _____ day of _____, in the year of our Lord 19____, letters of administration of all and singular the personal estate and effects within the jurisdiction of His Majesty's Supreme Court for China and Corea, of _____, late of _____, deceased, who died at _____, on or about the _____ day of _____ 19____, intestate, were granted by His Britannic Majesty's Consular Court at _____ to _____, the said _____, having been first sworn, and having entered into security well and faithfully to administer the same by paying the just debts of the deceased, and distributing the residue of _____ personal estate and effects according to law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

By the Court,
_____, Registrar.

FORM 106.

(Rule 277.)

Letters of Administration with Will annexed.

(General Heading.)

Be it known, that A. B., late of _____, deceased, who died on the _____ day of _____, at _____, and who had at the time of his death his fixed place of abode at _____, within the district of this Court, made and duly executed his last will [or his last will with _____ codicils thereto], and did therein name [according to the facts];

And be it further known, that on the _____ day of _____, 19____, letters of administration with the said will [and codicils] annexed of the personal property of the deceased were granted by this Court to C. D. [insert the character in which the grant is taken], he having been first duly sworn.

(Seal.)

Sworn under £
the testator died on or about
the day of

FORM 107.

Double Probate.

(General Heading.)

Sworn under £
died on or about the
day of
19

Be it known, that on the day of , 19 , the last will [with codicils] of *A. B.*, late of , deceased, who died on , at , and who at the time of his death had his fixed place of abode at , within the district of this Court, was proved and registered in this Court, and that administration of his personal property, and any way concerning his will, was granted by this Court to *C. D.*, one of the executors named in the said will [*or codicil*], he having been first duly sworn, power being reserved of making the like grant to *E. F.*, the other executor named in the said will. And be it further known, that on the day of , 19 , the said will of the said deceased was also proved in this Court, and that the like administration was granted by this Court to the said *E. F.*, he having been first duly sworn.

(Seal.)

Former grant January 19 , under the same sum.

FORM 108.

Letters of Administration of Goods not already administered.

(General Heading.)

Sworn under £
tate died on the
day of
19

Be it known that *A. B.*, late of , deceased, died on , 19 , at , intestate, and had at the time of his death his fixed place of abode at , within the district of this Court, and that since his death, namely, on the day of , 19 , letters of administration of his personal property were granted by this Court to *C. D.* [*insert the relationship or character of administrator*] (which letters of administration now remain on record in this Court), who, after taking such administration upon him, partly administered the personal property of the deceased, and afterwards, namely, on , died, leaving part thereof unadministered, and that on the day of , 19 , letters of administration of the personal property so left unadministered were granted by this Court to , he having been first duly sworn.

(Seal.)

FORM 109.

(Rule 285.)

Administration Bond.

(General Heading.)

Know all men by these presents, that we, *A. B.*, of , *C. D.*, of , and *E. F.*, of , are become bound unto His Majesty the King of the United Kingdom of Great Britain and Ireland, in the sum

of , to be paid unto his said Majesty, his heirs and successors, or his or their certain attorney, for which payment well and truly to be made we bind ourselves, jointly and severally, for the whole and in the whole, our, and each of our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals, dated at , this day of
in the year of our Lord 19 .

The condition of this obligation is such that if the above bounden *A. B.*, and administrat of all and singular the goods, chattels, and effects of the said deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, and effects of the said deceased, which have or shall come to the hands, possession, or knowledge of or into the hands and possession of any other person or persons, for , and the same, so made, do exhibit, or cause to be exhibited, in the registry of His Britannic Majesty's Consular Court at , on or before the day next ensuing, and the same goods, chattels, credits, and effects, and all other goods, chattels, credits, and effects of the said deceased, at the time of death, or which at any time afterwards shall come to the hands or possession of the said *A. B.*, or into the hands or possession of any other person or persons for , do and shall well and truly administer according to law, and further, do and shall make, or cause to be made, a true and just account of said administration whenever required by law so to do.

And all the rest and residue of the said goods, chattels, credits, and effects which shall be found remaining upon the said administration accounts (the same being first examined and allowed by the said Court), shall and do pay and dispose of unto such person or persons respectively, as the said Court by their Decree or sentence (pursuant to the true intent and meaning of the Statute of Distribution or other law applicable) shall limit and appoint; and, if it shall appear hereafter that any last will and testament was made by the deceased and the executor, or executors, therein named, do exhibit the same in the said Court, making request to have it allowed and approved accordingly, if the said *A. B.*, being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) into the said Court, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, sealed, and delivered, in the presence of

FORM 110.

Justification of Sureties.

(General Heading.)

We, *C. D.*, of , and *E. F.*, of , severally make oath and say that we are the proposed sureties in the penal sum of £ on behalf of *G. H.*, the intended administrator of the personal property of *A. B.*, late of , deceased, for his faithful administration thereof and I, the said *C. D.*, for myself, make oath and say that I am, after payment of all my debts, well and truly worth in money and effects the sum of and I, the said *E. F.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of £

Sworn by the deponents, *C. D.* and *E. F.*, at this
 day of _____, 19
 Before me, *G. H.*

A. B.
C. D.

FORM 111.

Renunciation of Probate and Administration with Will annexed.

(General Heading.)

Whereas *A. B.*, late of _____, deceased, died on the _____ day of _____ at _____, having at the time of his death his fixed place of abode at _____, within the district of this Court; and whereas he made and duly executed his last will, dated the _____ day of _____, 19____, * and thereof appointed *C. D.* executor and residuary legatee in trust [*or as the case may be*]:

Now I, the said *C. D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors, or any person interested in the administration or distribution of the property of the deceased; and, further, do hereby expressly renounce all right to probate of the said will [and codicils, *if any*], and to administration with the said will [and codicils, *if any*] annexed, of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal the day above written.

C. D. (Seal.)

Signed, sealed, and delivered by the above-named *C. D.*, in the presence of
G. H.

! FORM 112.

(Rule 293.)

Notice to prohibit Grant of Probate or Administration.

(General Heading.)

To—

Let nothing be done in the matter of *A. B.*, late of _____, deceased, who died on the _____ day of _____, at _____, and had at the time of his death his fixed place of abode at _____, within the district of this Court, without warning being given to *C. D.*, of _____ [*or to E. F.*, of _____], the legal practitioner of *G. H.*, of _____].

FORM 113.

Warning to Person filing Notice to prohibit Grant.

(General Heading.)

To *C. D.*, of _____ [or to *E. F.*, of _____], legal practitioner of
G. H., of _____].

* If there are codicils their dates should be also inserted.

You are hereby warned, within six days after the service of this warning upon you, inclusive of the day of such service, to come to this Court, and to file therein an affidavit setting forth your [or your client's] interest in this matter; and in default of your doing so this Court will proceed to all such acts and things as shall be needful to be done in this matter.

Note.—This warning is issued at the instance of *R. S.*, of . [Here state what interest *R. S.* has, and, if under a will or codicil, state its date.]

(Seal.)

FORM 114.

Order to a Person to bring in a Paper purporting to be Testamentary.

(General Heading.)

To *C. D.*, of .

Whereas it appears by an affidavit filed in this Court on the day of , 19 , and made by , of that a certain original paper, being, or purporting to be, testamentary, namely [*here describe the paper*], bearing date the day of , 19 , is now in your possession or under your control:

Now this is to command you, in the name of His Majesty King Edward, that within eight days after service hereof on you, inclusive of the day of such service, you do bring into and leave in this Court the said original paper, or, in case the said original paper be not in your possession or under your control, that you, within eight days after the service hereof on you, inclusive of the day of such service, do file in this Court an affidavit to that effect, and therein set forth what knowledge you have of and respecting the said paper.

(Seal.)

FORM 115.

Lists of Probates and Administrations.

(General Heading.)

The [1st] day of [August], 19 .

List of Probates and Administrations granted by this Court up to the 1st day of July, 19 , and not included in any previous List.

Date of Grant.	Name in Full of Deceased.	Business, Profession, or other Description.	Place of Death.	Time of Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Signed) A. B.,
His Britannic Majesty's Consul at [Canton].

[FORM 116.

(Rule 316.)

RETURN of Criminal Cases for the Year 19 .

Consulate of.....

No.	Date.	Name of Offender.	Country.	Residence.	Profession.	Offence charged with.	Parties Charging.	Days on which Examined.	Final Hearing.	Finding, and, if Guilty, what Offence proved.	How disposed of.

British Consular Court, ..., 19.....

..... Consul.

FORM 117.

(Rule 316.)

RETURN of Civil Cases for the Year 19 .

No.	Date.	Plaintiff.		Defendant.		Claim.	How disposed of.	Remarks.
		Name.	Nationality.	Name.	Nationality.			

Consulate of.....

.....
Consul.

British Consular Court,
, 19 .

AWARD of the King of Italy in the Question between Great Britain and Portugal respecting the Western Boundary of the Barotse Kingdom.—Rome, May 30, 1905.

(Traduction.)*

Nous, Victor Emmanuel III ;

Par la grâce de Dieu et la volonté de la nation Roi d'Italie ;

Arbitre dans la question entre la Grande-Bretagne et le Portugal relativement aux limites occidentales du territoire du Royaume du Barotse, telles qu'elles étaient le 11 Juin, 1891 ;

Sa Majesté Édouard VII, Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande, Empereur des Indes, et Sa Majesté Très-Fidèle Charles I, Roi du Portugal et des Algarves, voulant définir la question survenue entre les deux États relativement à la frontière de leurs sphères d'influence respectives dans l'Afrique Centrale, moyennant Déclaration signée à Londres le 12 Août, 1903,† Nous ont chargé de décider comme Arbitre la dite question par sentence définitive sans appel.

Nous, Roi d'Italie, voulant correspondre à la confiance que les Hautes Parties ont voulu Nous accorder, Nous avons accepté et Nous prononçons la Sentence suivante :—

En fait :

La Grande-Bretagne et le Portugal, afin de déterminer leurs respectives sphères d'influence d'Afrique Centrale, avaient conclu à Lisbonne le Traité du 11 Juin, 1891,‡ et par l'Article IV du dit Traité elles avaient convenu en ce qui suit :

“Il est entendu que la ligne qui sépare à l'ouest la sphère d'influence de la Grande-Bretagne dans l'Afrique Centrale de celle du Portugal suivra le centre du chenal du Haut-Zambèze, en partant des Rapides de Katima jusqu'au point où elle touche au territoire du Royaume des Barotse.”

Les dites Hautes Parties, n'ayant pu dans la suite déterminer d'accord les limites occidentales du territoire du Royaume du Barotse, signèrent à Londres, le 12 Août, 1903, la Déclaration par laquelle elles Nous ont déféré de décider la question qu'elles formulèrent elles-mêmes dans les termes suivants :

“Article I. The Arbitrator shall be asked to give a decision, which shall be accepted as final by both Parties, on the question : What are, within the meaning of the above-quoted Article of the Treaty of 1891, the limits of the territory of the Barotse Kingdom ?

“For the purposes of the arbitration the expression ‘ the territory

* Official French translation.

† Vol. XCVII, page 504.

‡ Vol. LXXXIII, pages 27 and 890.

of the Barotse Kingdom' shall mean the territory over which the King of Barotse was Paramount Ruler on the 11th June, 1891."

La question ayant été ainsi formulée, Nous avons considéré que Nous sommes appelés à déterminer le territoire sur lequel le Roi du Barotse régnait comme Chef Suprême ("was Paramount Ruler") le 11 Juin, 1891.

Nous avons aussi considéré que, puisque Nous devons décider la question qui Nous a été soumise en Nous référant au 11 Juin, 1891, Nous ne pouvions pas tenir compte des faits survenus après cette date.

Nous avons ensuite examiné attentivement les Mémoires, les répliques, les contre-répliques, et les documents à l'appui que chacune des Hautes Parties nous a présentés.

En droit :

Attendu que le tribut ne peut, comme tel, demeurer en preuve de l'autorité de Chef Suprême près celui à qui le dit tribut est payé ; en effet, souvent une tribu, tout en étant indépendante, paye des tributs au Chef d'une autre tribu plus forte, soit pour se soustraire par ce moyen à ses vexations et éviter la guerre, soit pour en gagner la bienveillance et la protection ;

Attendu que pas même l'influence exercée par le Chef d'une tribu plus forte sur d'autres plus faibles ne peut être considérée comme preuve décisive de la dépendance et de l'assujettissement réel des tribus qui subissent la dite influence ;

Attendu conséquemment que, pour reconnaître le Roi Lewanika comme Chef Suprême, il est indispensable que l'on constate quelles étaient les tribus qui, le 11 Juin, 1891, se trouvaient en condition de dépendance réelle vis-à-vis de lui ;

Attendu que, selon l'organisation interne des tribus le Chef Suprême est celui qui exerce l'autorité gouvernementale selon leurs coutumes, c'est-à-dire, en nommant les Chefs subalternes, ou en leur accordant l'investiture, en décidant des litiges entre ces Chefs, en les déposant selon les circonstances, et en les obligeant à le reconnaître comme leur Seigneur Suprême ;

Attendu qu'un tel pouvoir avait déjà été sans doute exercé par le Roi du Barotse dans la Province de Nalolo à l'ouest du Zambèze ; qu'il a été aussi exercé sur les tribus des Mabuenyi et des Mamboe, de sorte que leur territoire formait partie intégrante du Royaume du Barotse ;

Attendu que, en ce qui concerne les Balovale, tout en ayant payé des tributs, le 11 Juin, 1891, ils se trouvaient en condition d'indépendance : en effet, ils avaient leur Chef Suprême qui nommait les Chefs subalternes, sans que le Roi du Barotse eût accompli jusqu'alors aucun acte de juridiction et de gouvernement sur les Balovale ;

Attendu que cela est confirmé par le témoignage du Rév. Adolphe Jalla, qui déclare que les Balovale refusaient de se soumettre jusqu'en 1891, et qu'ils ne furent subjugués par les Barotse qu'au commencement de 1892 (circonstance qui a été aussi référée par le Rév. F. Coillard), de sorte qu'on ne peut admettre qu'en Juin 1891 les Balovale fissent partie intégrante du Royaume du Barotse ;

Attendu pourtant que le Roi Lewanika exerçait quelques droits de seigneurie sur la zone limitrophe de ses vrais domaines, qui demeure interposée entre le Zambèze et le Lungubungu, et qui est habitée par des Balovale, de sorte que, en vue de tels droits de seigneurie, on peut admettre que la dite zone faisait partie intégrante de Royaume du Barotse ;

Attendu que, en ce qui concerne la région des Balunda, une partie était habitée par les Balekwakwa, qui sont ethniquement des Barotse, et que la zone méridionale avait subi plus directement l'influence du Roi du Barotse jusqu'à l'assujettissement réel, de sorte que le territoire compris entre le cours inférieur du Kapombo, le Zambèze, et le 13^e parallèle, doit être considéré comme partie intégrante du Royaume du Barotse ;

Attendu que les Bampukush, les Bamarshi, les Mambunda, et les Bamakoma étaient des tribus absolument indépendantes, et que, conséquemment, elles ne pouvaient pas être considérées comme appartenant au Royaume du Barotse ;

Attendu que, en ce qui concerne la délimitation du territoire sur lequel le Roi Lewanika régnait comme Chef Suprême, toute délimitation précise est impossible, soit à cause du manque d'éléments géographiques séparatifs, soit à cause de la connaissance imparfaite qu'on a des lieux, soit à cause de l'instabilité notoire des tribus et de leurs fréquents entrelacements (circonstances qui ont été admises aussi par le Marquis de Salisbury et le Marquis de Lansdowne), de sorte que, il est indispensable, où les lignes naturelles font défaut, d'avoir recours aux lignes de convention géographiques ;

Pour les dits motifs :

Nous décidons comme Arbitre que la frontière occidentale du territoire du Royaume du Barotse, le 11 Juin, 1891, était la suivante (voir le croquis démonstratif ci-joint)* :—

La ligne droite joignant les Rapides de Katima, sur le Zambèze, au village Andara sur l'Okovango, jusqu'au point où elle rencontre la Rivière Kwando ;

Le bord oriental du lit des hautes eaux du Kwando, jusqu'au point d'intersection avec le 22^e méridien est de Greenwich ;

Le 22^e méridien est de Greenwich jusqu'au point d'intersection avec le 13^e parallèle :

* See Parliamentary Paper, "Africa No. 5 (1905)." Cd. 2584.

Le 13^e parallèle jusqu'au point d'intersection avec le 24^e méridien est de Greenwich ;

Le 24^e méridien est de Greenwich jusqu'à la frontière de l'État Indépendant du Congo.

[Traduction de la Sentence Arbitrale donnée à Rome, le 30 Mai, 1905, par Sa Majesté le Roi d'Italie.]

CONVENTION between Great Britain and the United States of America, for the Mutual Extradition of Fugitive Criminals.
—Signed at London, April 12, 1905.

[Ratifications exchanged at Washington, December 21, 1906.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, being desirous of enlarging the list of crimes on account of which extradition may be granted under the Conventions concluded between the United States and Great Britain on the 12th July, 1889,* and the 13th December, 1900,†, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit :

His Britannic Majesty, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs ;

And the President of the United States, the Honourable Joseph Hodges Choate, Ambassador Extraordinary and Plenipotentiary of the United States at the Court of His Britannic Majesty ;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles :—

ART. I. The following crimes are added to the list of crimes numbered 1 to 10 in the 1st Article of the said Convention of the 12th July, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on the 13th December, 1900, that is to say :

* Vol. I.XXXI, page 41.

† Vol. XCII, page 72.

14. Bribery, defined by the offering, giving, or receiving of bribes made criminal by the laws of both countries.

15. Offences, if made criminal by the laws of both countries, against bankruptcy law.

II. The present Convention shall be considered as an integral part of the said Extradition Conventions of the 12th July, 1889, and the 13th December, 1900, and the 1st Article of the said Convention of the 12th July, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 14 and 15 in the 1st Article of the present Convention.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or London as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of the 12th July, 1889.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at London, this 12th day of April, 1905.

(L.S.) LANSDOWNE.

(L.S.) JOSEPH H. CHOATE.

AGREEMENT between Austria - Hungary and Germany, supplementary to the Treaty of Commerce of December 6, 1891.—Signed at Berlin, January 25, 1905.

[Ratifications exchanged at Berlin, February 19, 1906.]

(Translation.)

HIS Majesty the German Emperor, King of Prussia, in the name of the German Empire, of the one part, and HIS Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary, of the other part, actuated by the desire to revise the existing Commercial and Customs Treaty between the German Empire and Austria-Hungary of the 6th December, 1891,* have determined

* Vol. LXXXIII, page 169.

to conclude a Treaty supplementary to this Treaty, and for this purpose have named as their Plenipotentiaries :

His Majesty the German Emperor, King of Prussia: Arthur, Count of Posadowsky-Wehner, Minister of State, Privy Councillor, Secretary of State for the Interior, and Oswald Baron von Rieht-hofen, Privy Councillor, Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary: Ladislaus Szögyeny-Marich von Magyar-Szögyen and Szolgaegyhaza, Chamberlain, Privy Councillor, Ambassador Extraordinary and Plenipotentiary to His Majesty the German Emperor, King of Prussia;

Who, subject to the respective ratifications, have come to the following Agreement:—

ART. I. The respective Articles of the existing Treaty are altered as follows:

1. Article III, together with the Appendices (A) and (B) therein named, are replaced as follows:—

“No higher duties shall be levied on Austrian and Hungarian agricultural and industrial productions enumerated in Appendix (A) of this Treaty on their importation into the German Customs territory, nor on German agricultural and industrial productions enumerated in Appendix (B) of this Treaty on their importation into the Austro-Hungarian Customs territory, than the duties prescribed in those Appendices.

“Should either of the Contracting Parties impose a new tax or increase the internal taxation on the home production or manufacture of any of the articles mentioned in Appendices (A) or (B) of this Treaty, the article or articles in question may be subjected on importation to a similar or proportionate tax.”

2. The following new paragraph is added to Article XIV of the existing Treaty:—

“With reference to the dispatch and forwarding of goods in transit from the territories of one of the Contracting Parties into those of the other, in so far as this transport takes place by means of shipping undertakings on rivers or canals, and with reference to any special rates of freight which by Government intervention may be introduced for particular classes of goods, the Contracting Parties undertake to adopt no measures by means of which similar privileges would be withheld from the goods of the other Contracting Party.”

3. The following regulation replaces the second and third paragraphs of Article XVI:—

“In questions of railway tariffs, the Contracting Parties mutually guarantee each other the greatest possible support in accordance with actual requirements, especially in regard to proposals for the establishment of direct passenger and freight tariffs.”

4. Article XVII is supplemented as follows :—

“They will take measures to secure all possible consideration for the requirements of through traffic by arranging through connecting time-tables both for passengers and goods.”

5. The fifth paragraph of Article XIX is modified as follows :—

“Joint Stock Companies and other commercial, industrial, or financial associations, including insurance companies, which are legally domiciled in the territories of one of the Contracting Parties, are entitled to seek legal redress for the establishment of their rightful claims in the territories of the other Contracting Party, subject to the laws there in force, by pleading in the Law Courts either as prosecutor or defendants. The question as to whether and as to what extent such companies can acquire real or other property in the territories of the other Contracting Party, must be decided according to the laws in force in those territories. With reference to permission for the carrying on of their business in the territories of the other Contracting Party, this must be decided according to the laws and regulations there in force. In every case, however, the companies and associations referred to shall enjoy in the territories of the other Contracting State the same rights which are accorded, or which in future may be accorded, to similar legally constituted companies of any third country.”

6. The following new paragraph is added to Article XX :—

“With reference to exemptions from direct taxation, it is understood that such are only granted to the respective “Consuls de carrière” as long as they are not nationals of the country in which they exercise their functions. In no case will fuller exemptions be granted to Consuls than those accorded to the Diplomatic Representatives of the Contracting Parties.”

II. The following new Article is added to the existing Treaty :—

“Art. XXIII A. In case a difference of opinion should arise between the Contracting Parties as to the interpretation or application of the Tariffs of this Treaty (Appendices (A) and (B)), and of the provisions supplementary to these Tariffs, or as to the application of the most-favoured-nation clause in reference to the actual administration of other existing Treaty Tariffs, the dispute shall, at the request of either of the Contracting Parties, be settled by arbitration.”

The Court of Arbitration in every case of dispute shall be constituted as follows :—

“Each High Contracting Party shall nominate as Judges two suitable persons from among its own subjects, and these two sides shall then elect as Umpire a subject of a third and friendly State. The two Contracting Parties reserve to themselves the right of being informed a certain time in advance as to the person to be chosen Umpire in each particular case.

"Should occasion arise, and subject to special notification, the Contracting Parties will also submit to arbitration other differences of opinion than those mentioned in paragraph 1 of this Article, *e.g.*, as to the interpretation or application of this present Treaty."

III. Annex (C) to the existing Treaty is altered as follows:—

"1. In the enumeration given in paragraph 3 of articles which under certain conditions are allowed free entrance or exit at the frontier (also by-ways), the words 'bee-hives with living bees' are to be struck out, and before 'peat' the words 'fire-wood and coal' are to be added."

2. Paragraph 5 is modified as follows:—

"5. Free customs entry under prescribed control is granted to cattle which is temporarily brought for draught purposes from one frontier district into the other and returned; also to agricultural machines and tools, which are conveyed for temporary use from one State into the other and returned, and further, to cattle which is conveyed to and fro simply for the purpose of being weighed."

3. Paragraph 8 is modified as follows:—

"8. The existing facilities in the traffic between the inhabitants of the respective frontier districts in articles of their own personal requirements either for repair or working up by hand (household industries), also in yarns and tissues for dyeing, are maintained intact.

"In connection with the frontier traffic in stuffs which are to be made up into articles of wearing apparel, free customs entry is also granted to all trimmings, &c., required for the work in question."

4. The following new paragraph is added:—

"11. Curds and gypsum imported from German into Austrian frontier districts for local consumption are admitted into Austria-Hungary free of duty. Onions and garlic conveyed by road from the Zittauer district into Bohemian frontier districts enjoy the same exemption.

"Cranberries imported from Austrian into German frontier districts for local consumption are admitted into the German Empire free of duty.

"Each of the Contracting Parties reserves to itself the right of making these facilities, as far as its own territory is concerned, dependent on the fulfilment of special conditions."

IV. The present Customs Cartel (Appendix (D) of the existing Treaty) remains in force together with the autonomous regulations for its execution, but this without prejudice to a possible revisal of the latter.

V. The concluding Protocol to the existing Treaty is altered as follows:—

1. The following paragraph 2a is added to the regulations to Article I of the existing Treaty :—

“2a. The transit of arms, ammunition, and explosive materials, as well as of goods of all kinds which in the country of transit are a Government monopoly, shall be hindered as little as possible.

“ When for the transit of the above-mentioned articles a special permission is required, this must be granted or refused by the competent authorities with the least possible delay.

“ When the transit of ammunition and explosive materials is notified, as a general rule samples should only be subjected to examination on the first occasion of such transit ; a further examination should only take place in cases of grave doubt, and only then when the consignments are unaccompanied by the prescribed certificates of the competent authorities in the country of origin as to the constitution of the goods. These certificates should be presented at the time the request is made for permission of transit. The Contracting Parties will duly notify each other as to the authorities who in the country of origin are authorized to issue these certificates, as well as to the rules which are to be observed in the issue of the certificates, rules which must be in accordance with the most modern scientific demands. The country of transit may, at its discretion, take samples from consignments which are covered by the requisite certificates without detaining the consignments themselves. Should it be proved that these facilities are being abused, the country of transit has the right to subject the same to such restrictions as may be deemed advisable.”

2. Paragraph 4 of the Regulations to Article I of the existing Treaty is modified as follows :—

“4. The Contracting Parties will mutually notify each other as to any prohibition or restriction as to the import or export trade or transit traffic.”

3. The following supplementary provisions are made to Article I of the existing Treaty :—

“5. The Contracting Parties agree to come to an understanding as to the mutual recognition of ‘ test-marks ’ for fire-arms.

“6. Goods in precious metals which against proper customs formalities and security are brought into either of the Contracting States by commercial travellers as actual show samples, and which in consequence may not be put upon the market, are at the request of the party interested to be exempted from compulsory ‘ punching,’ provided proper security be offered ; such security is, however, forfeited should the goods be not taken out of the country within the prescribed limit of time.

“7. The existing facilities for the handling of goods in transit proceeding to or from the Bavarian municipality of Balderschwang

through Austrian territory from or to other parts of Bavaria, are maintained intact.

"8. Natural wines (such as Tokay, sweet wines and Szamorodner) which are produced in Hungary in the communal district of Tokay, and in the other communal districts of the Tokay wine-growing district, shall not be considered as dessert wines (wines from southern countries and sweet wines) of foreign origin in the sense of the German Imperial Law of the 24th May, 1901, regarding the trade in wine, in liquors containing wine, and in those having the nature of wine. ('Reichs Gesetzblatt,' 1901, p. 175.) The provision in paragraph 2 of the above-mentioned Law is consequently not applicable to these wines, a Law which lays down that in the preparing and making proof of dessert wines (wines from the south and sweet wines) of foreign origin, alcohol may be added in a larger proportion than that of 1 to 100 parts of wine, without this constituting a falsification or imitation of the wine in the sense of paragraph 10 of the German Imperial Law of the 14th May, 1879, dealing with the trade in provisions and articles of necessity or luxury ('Reichs Gesetzblatt,' 1879, p. 145). In conformity with paragraph 3, No. 3, sections 5, 13, 16, and 18 of the above-mentioned Law, it is further prohibited that liquors used in trade under the designation of Tokay, Medicinal Tokay, Tokay sweet wine, Szamorodner, or described in any such manner as to indicate that they were produced in the Tokay wine districts, should be prepared or imitated by using dried fruits (either in extracts or decoctions), or boiled up juices, and it is also prohibited to sell or to offer for sale these liquors if the above-mentioned fruits or stuffs have been employed in their preparation."

The Tokay wine district includes the following places:—

(a.) In the territory of the Komitate of Zemplen—the communal districts of Bekecs, Erdöbenye, Erdőhorvati, Golop, Joseffalva, Karolyfalva, Bodrogkeresztur, Kiszalud, Legyesbény Mad, Monok, Bodrogolaszi, Olasziszka, Ond, Petraho, Ratka, Sarospatak, Satoraljaúhely, Szegilong, Szerencs, Szőlöske, Tallya, Tarczal, Tokay, Tolcsa, Kistoronya, Vámosujfalu, Vagardo, Zombor, Bodrogszadamy;

(b.) In the Komitate of Abauj-Torna: the territory of the communal district of Abauzsanto.

4. The following provisions have been added to Article II of the existing Treaty:—

"1. In the case of barley or barley-malt exported from the open market of the German Customs territory, permits to import will only be issued with the proviso that the lowest of those customs duties in force at the time on the various kinds of barley, for whatever use intended, shall be taken as a basis in fixing the customs value of these imports.

“2. The Austro-Hungarian export duty on rags and other waste stuffs used in the manufacture of paper shall not exceed 9·60 kr. per 100 kilos.

“3. With regard to legislation respecting sugar, it is understood that neither of the Contracting Parties can be prevented by the provisions of the present Treaty from fulfilling the obligations arising from the Brussels Convention of the 5th March, 1902.”*

5. No. 1 of the provisions to Article III of the existing Treaty is altered as follows:—

“1. Articles manufactured from foreign products in the territories of one of the Contracting Parties are not excluded from being treated as the industrial product of the country in which they are manufactured.

“In the commercial intercourse between the Contracting Parties, the granting of the Tariff advantages, prescribed by the present Treaty in the case of articles which are of primary economic importance to the exporting country, can only be made dependent on the production of a certificate of origin when urgent reasons of State exist for such a course.”

6. Paragraphs 3 and 4 of the provisions to Article III of the existing Treaty are altered as follows:—

“3. To Tariffs (A) and (B) import duties in each of the two Customs territories.

“(a.) The term ‘German General Tariff,’ employed in Tariff (A) (annexed to the present Treaty), and in the provisions pertaining thereto, is understood to apply to the Tariff of the 25th December, 1902, *in extenso*, as fixed by the Law of the same date; and the term ‘Austro-Hungarian General Tariff’ employed in Tariff (B) (annexed to the present Treaty), and the provisions pertaining thereto, is understood to apply to the draft of the new General Customs Tariff for the Austro-Hungarian Customs territory.

“(b.) In cases in which the customs duty on an article specified in the annexed Tariffs (A) and (B) is to be determined on the basis of a fundamental duty (Grund Zoll) and supplementary duties, this fundamental duty shall, when the Customs valuation is made, be calculated on the basis of that part of the article which pays the lowest tax—that is, if neither of the Tariffs provide for any special exceptions. Under similar circumstances in determining the Customs classification of an article mentioned in either Customs Tariff, the article on which the lowest duty is payable is to be taken as a basis in determining the amount of duty to be paid, in so far as the various concessions accorded by the Treaty do not prohibit such a procedure in the case of the duty in question.

"The words 'of the General Tariff' which are employed in the Treaty Tariffs (A) and (B), when Tariff numbers, sections or classes are quoted, do not form any exception to the foregoing rule.

"(c.) Hops contained in hermetically closed metal cylinders may be passed at the Customs without examination of the contents, if the consignment is accompanied by a certificate issued by a Custom-house or Inland Revenue Office certifying that the contents of the cylinder are composed of hops, and if the official seals were placed on the cylinders by one of the above-mentioned Departments, or if, when dispatched by train loads, they were provided with Customs seals.

"(d.) Each of the Contracting States will at the request of parties interested, remit duty free into its customs territory bottles, jugs, and similar receptacles, which have been used for the exportation of mineral water into the territory of the other party, and which are being returned empty, provided the necessary notification has been made at the customs-house at the time of export.

"(e.) In the case of buttons made of horn, horn products or bones, as well as those made of thick-shelled nuts, Areca nuts, &c., by the mutual agreement of the competent authorities, it shall be enacted that only the cards of pasteboard or paper on which the buttons are sewn or otherwise fastened, are to be considered as belonging to the dutiable net weight of the goods; while the pasteboard boxes ("kartons") in which the buttons, or the cards with buttons attached are contained, shall not be included in the assessment of the customs duty, even if a sample button is sewn on to them.

"(f.) To No. 107 of Tariff (A). In order to ascertain the duty to be levied on all kinds of live fowls and other poultry (with the exception of geese) when imported in railway trucks without special packing, the net weight on which duty is to be paid is determined by weighing the truck with its freight and then deducting the dead weight of the empty carriage; and in case of trucks specially constructed with crates, the weight of this extra wood-work must also be taken into consideration. In the case of the importation of fowls, &c., specially packed (in cages, crates, &c.) four-fifths of the gross weight are to be reckoned as net weight, and made the basis on which the customs duty is calculated."

7. Paragraph 2 of the provisions to Article VI of the existing Treaty is modified as follows:—

"In the import trade between the two countries the following articles are to pass duty free unless, in consequence of abuse, this privilege is cancelled or limited by local decree.

"Meat, freshly slaughtered and prepared, in quantities not exceeding 2 kilog.

"Mill products, consisting of corn and pulse; ordinary baked products (bread), in quantities not exceeding 3 kilog.

"The above provision holds good as long as these articles are not conveyed through the post to inhabitants of the frontier territory.

"Each of the Contracting Parties, however, reserves to itself the right of abolishing at any time, either partially or entirely, the privileges agreed to in paragraph 2, provided six months' notice of such intention is given."

8. The following new provision is added to Article IX of the Treaty :—

"As long as the excise on German beer in Austria and Hungary is fixed on the basis of the saccharometric contents of the fundamental wort, the certificates issued by German scientific institutes with regard to such contents will be recognized by the Austrian and Hungarian authorities.

"The consignments of beer which are accompanied by these certificates will not have to be tested again as to their saccharometric contents, as long as the proper Regulations have been observed by the scientific institutes, and as long as no special doubt exists as to the correctness of these certificates. The custom-houses at which the consignments of beer accompanied by certificates are cleared on importation are entitled to draw off samples from time to time without detaining the consignments.

"These samples are to be provided with a description of identity as laid down in the Regulations, and are to be dispatched, under official and private seal, to the chemical laboratory of technical finance in Vienna or Budapest, to be examined as to the saccharometric contents of the fundamental wort. Should this examination disclose irregularities in the drawing up of the certificate, the Ministry of Finance concerned will at once be notified of the fact.

"On the other hand, in cases where examination is necessary for clearing from the custom-house, German officials will, in the case of Austrian and Hungarian wines, accept the certificates which have been issued by Austrian or Hungarian scientific institutes with regard to the contents of the same. The consignments of wine which are accompanied by certificates of this kind will not have to be examined as long as the proper Regulations have been observed by the scientific institutes, and as long as there is no special doubt with regard to the correctness of the certificates. The Governments of the Contracting Parties will agree as to the scientific institutes which shall be authorized to issue certificates, and as to the Regulations which must be observed in their issue and in the preceding examination of the beer and wine.

"Each of the Contracting Parties reserves to itself the right, in

case of abuses occurring, to withdraw from this Agreement, provided six months' notice of such intention is given."

9. The first clause of the provisions to Article XV of the existing Treaty is cancelled. At the beginning of the second clause the words "The Contracting Parties" are inserted, instead of the words "The same."

10. Paragraph 4 of the provisions to Articles XVI and XVIII of the existing Treaty should read as follows:—

"For the clearance of goods passing by rail from the territory of one Contracting Party into that of the other, and also in the case of goods passing the frontier by water, the special Regulations already agreed upon hold good."

11. In the provisions to Article XIX of the existing Treaty the following new paragraph is inserted:—

"1. In assessing all kinds of commercial and industrial taxes, no less favourable assessment shall be made on account of the place of origin of the goods dealt with in the business in question."

Paragraph 1 will now be called 1 a.

12. The following new paragraph is added to the provisions to Article XIX of the existing Treaty:—

"3. By 'carrying trade,' in the sense of the fourth clause of Article XIX is to be understood the regular forwarding of goods and persons by road, railways excepted. By 'trade tax' is meant every taxable charge on trade, including income tax on the same, irrespective as to whether the tax is levied for the benefit of the State or of communes, &c.

"As long as the forwarding agent transmits goods between single towns situated within the territory of the other Contracting Party, he is liable to taxation according to the local laws, with due regard to existing agreements for the prevention of double taxation. If, besides the carrying and shipping trade in the territory of the other Contracting Party, the forwarding agent carries on a subsidiary trade not directly necessitated by his forwarding business, or if he holds real property in such territory, he is liable, without restriction to taxation according to the laws of the country.

"In the shipping forwarding business it is not to be considered a subsidiary trade if the forwarding agent delivers to the addressees goods which have been conveyed from his own country by his own agency by means of local or railway transport in the territory of the other Contracting Party, nor when the forwarding agent takes over in the territory of the other Contracting Party goods which are to be transported by his agency; neither is it to be considered a subsidiary trade if the forwarding agent carries on a permanent business connection with an independent forwarding agent residing in the territory of the other Contracting Party."

13. The following new provisions have been added :—

To Article XX of the Treaty :

“ It is agreed that, with respect to the provisions as to reciprocity, the rights and privileges granted to Consuls of one of the parties to the Treaty in the territory of the other by virtue of most-favoured-nation treatment cannot be accorded to a larger extent than those which are granted to the Consular Representatives of the latter in the territory of the former.”

To Article XXIII A of the Treaty :

“ With regard to proceedings in cases which, by virtue of clauses 1 and 2 of Article XXIII A, arbitration is resorted to, the following agreement has been come to between the Contracting Parties :—

“ On the occasion of the first dispute the Court of Arbitration is to sit in the territory of the Contracting Party accused, and on the occasion of the second dispute in the territory of the other Party, and so on alternately in the territory of one or other of the Parties in a place to be named by the Party in question, who has to provide the accommodation, clerical assistance, and service (attendance) necessary for the Court.

“ The Umpire is President of the Court of Arbitration, the decisions of which are to be taken by vote.

“ The Contracting Parties will agree in each single case, or once and for all, as to the procedure of the Court. Failing such an understanding, the procedure will be determined by the Court of Arbitration itself. The proceedings can be taken down in writing if no objection is made by either of the Contracting Parties ; in this case a departure may be made from the stipulation contained in the foregoing clause.

“ With regard to the summoning and hearing of witnesses and experts the authorities of each of the Contracting Parties will give legal support to the demands made by the Court of Arbitration to the Government in question, in the same way as these authorities would support the demands of the Civil Courts in their own country.”

VI. The Contracting Parties bind themselves in a friendly way to examine into the treatment of workmen of one party in the territory of the other with a view to their protection and insurance, in order to mutually assure to these workmen, by means of suitable arrangements, a treatment which offers them equal advantages in either State.

These arrangements will be determined by a special agreement, irrespective of the coming into force of the present Supplementary Treaty.

VII. The present Supplementary Treaty is to come into force on the 15th February, 1906.

The existing Commercial and Customs Treaty of the 6th December, 1891, remains effective till the 31st December, 1917, with the amendments and additions prescribed in this Supplementary Treaty.

Each of the Contracting Parties reserves to itself the right, however, of denouncing the Treaty twelve months before the 31st December, 1915, in which case it ceases to be operative on that date.

Should neither Party make use of this right, nor denounce the Treaty twelve months before the 31st December, 1917, then the Treaty, together with the above-mentioned amendments and supplements, shall remain in force after the 31st December, 1917, for one year from that day, on which one or other of the Contracting Parties shall have denounced it.

VIII. The present Treaty shall be ratified, and the instruments of ratification shall be exchanged as soon as possible.

In witness whereof the Plenipotentiaries have signed and sealed the present Supplementary Treaty.

Done in duplicate at Berlin, on the 25th January, 1905.

(L.S.) GRAF VON POSADOWSKY.

(L.S.) FREIHERR VON RICHTHOFEN.

(L.S.) SZÖGYENY.

[For Appendices (A) and (B), which have not been printed, see "Reichs Gesetzblatt" (Austria), No. 24 of 1906, pages 187 and 241.]

CONVENTION between Belgium and Nicaragua, respecting the Rights, Immunities, Duties, &c., of Consular Officers in their respective Countries.—Signed at Guatemala, October 2, 1905.

[Ratifications exchanged at Guatemala, March 21, 1907.]

SA Majesté le Roi des Belges et son Excellence le Président de la République de Nicaragua, également animés du désir de déterminer, avec toute l'extension et la clarté possibles, les droits, privilèges, et immunités réciproques des Agents Consulaires respectifs, ainsi que leurs fonctions et les obligations auxquelles ils seront soumis dans les deux pays, ont résolu de conclure une Convention Consulaire, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. E. Pollet, Chargé d'Affaires de Belgique au Centre Amérique ; et

Son Excellence le Président de la République de Nicaragua, M. le Dr. Arturo Pallais, Consul de Nicaragua à Guatemala ;

Lesquels, ayant échangé leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Chacune des Hautes Parties Contractantes consent à admettre des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires dans tous les ports, villes, et places, excepté dans les localités où il y aurait inconvénient à admettre de tels Agents.

Cette réserve, toutefois, ne sera pas appliquée à l'une des Hautes Parties Contractantes sans l'être également à toute autre Puissance.

II. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires de chacune des deux Hautes Parties Contractantes jouiront réciproquement dans les États de l'autre de tous les privilèges, exemptions, et immunités dont jouissent les Agents du même rang et de la même qualité de la nation la plus favorisée.

Les dits Agents, avant d'être admis à l'exercice de leurs fonctions et de jouir des immunités qui y sont attachées, devront produire une commission dans la forme établie par les lois de leurs pays respectifs.

Le Gouvernement territorial de chacune des deux Hautes Parties Contractantes leur délivrera, sans aucun frais, l'exequatur nécessaire à l'exercice de leurs fonctions, et, sur l'exhibition de cette pièce, ils jouiront des droits, prérogatives, et immunités accordés par la présente Convention.

III. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, citoyens de l'État qui les a nommés, ne pourront être arrêtés que dans le cas de crime, qualifié et puni comme tel par la législation locale ; ils seront exempts de tout service, tant dans l'armée régulière de terre ou de mer que dans la garde nationale ou civique ou milice ; ils seront de même exempts de toutes les contributions directes au profit de l'État, des provinces, ou des communes, et dont la perception se fait sur des listes nominatives, à moins qu'elles ne soient imposées à raison de la possession de biens immeubles ou sur les intérêts d'un capital employé dans l'État où les dits Agents exercent leurs fonctions.

Cette exemption ne pourra cependant pas s'appliquer aux Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires qui exerceraient une profession, une industrie, ou un commerce quelconque ; les dits Agents devant, en ce cas, être soumis au payement des taxes dues par tout autre étranger dans les mêmes conditions.

IV. Quand la justice de l'un des deux pays aura quelque déclaration juridique ou déposition à recevoir d'un Consul-Général, d'un

Consul, d'un Vice-Consul, ou d'un Agent Consulaire, citoyen de l'État qui l'a nommé, et n'exerçant aucun commerce, elle l'invitera, par écrit, à se présenter devant elle, et, en cas d'empêchement, elle devra se transporter à sa demeure ou Chancellerie pour l'obtenir de vive voix.

Le dit Agent devra satisfaire à cette demande dans le plus bref délai possible.

V. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront placer au-dessus de la porte extérieure de leur chancelleries un écusson aux armes de leur nation, avec une inscription portant ces mots : "Consulat-Général," "Consulat," "Vice-Consulat," ou "Agence Consulaire" de Belgique ou de Nicaragua.

Ils pourront aussi y arborer le drapeau de leur nation, excepté dans la capitale du pays s'il s'y trouve une Légation. Ils pourront de même arborer le pavillon national sur le bateau qu'ils monteront dans le port pour l'exercice de leurs fonctions.

VI. Les chancelleries Consulaires seront en tout temps inviolables. Les autorités locales ne pourront les envahir sous aucun prétexte. Elles ne pourront, dans aucun cas, visiter ni saisir les papiers qui y seront enfermés. Les chancelleries Consulaires ne sauraient, dans aucun cas, servir de lieux d'asile, et si un Agent du Service Consulaire est engagé dans d'autres affaires, les papiers se rapportant au Consulat seront tenus séparément.

VII. En cas de décès, d'empêchement, ou d'absence imprévue des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, leurs Chanceliers ou Secrétaires, après que leur caractère officiel aura été notifié au Ministère des Affaires Étrangères en Belgique ou au Ministère des Relations Extérieures au Nicaragua, seront de plein droit admis à gérer, par intérim, les affaires des postes respectifs; ils jouiront, pendant toute la durée de cette gestion temporaire, de tous les droits, prérogatives, et immunités accordés aux titulaires.

VIII. Les Consuls-Généraux et Consuls pourront, pour autant que les lois de leur pays le leur permettent, nommer, avec l'approbation de leurs Gouvernements respectifs, des Vice-Consuls et Agents Consulaires dans les villes, ports, et places compris dans leur arrondissement. Ces Agents pourront être choisis indistinctement parmi les Belges, les Nicaraguais, ou les citoyens d'autres pays. Ils seront munis d'une commission régulière, et ne pourront exercer leurs fonctions, ni jouir des privilèges stipulés dans cette Convention en faveur des Agents du Service Consulaire, aussi longtemps qu'ils n'auront pas obtenu l'exequatur en se soumettant aux exceptions spécifiées dans les Articles III et IV.

IX. Les Consuls-Généraux, Consuls, Vice-Consuls et Agents

Consulaires auront le droit de s'adresser aux autorités administratives ou judiciaires, soit de l'État, de la province ou de la commune des pays respectifs, dans toute l'étendue de leur arrondissement Consulaire, pour réclamer contre toute infraction aux Traités ou Conventions existant entre la Belgique et le Nicaragua, et pour protéger les droits et les intérêts de leurs nationaux. Mais ces représentations ne seront admises que sous forme de requête, et seulement en cas d'absence d'un Agent Diplomatique de leur pays.

X. Les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires de chacune des deux Hautes Parties Contractantes auront le droit de recevoir dans leurs chancelleries, dans leur demeure privée, dans celle des parties ou à bord des bâtiments, les déclarations des capitaines et équipages des navires de leur pays, des passagers qui se trouvent à bord et de tout autre citoyen de leur nation, quand elles auront pour objet des affaires purement commerciales et civiles qu'ils doivent terminer entre leurs compatriotes et dans leurs pays respectifs.

Les dits Agents auront, en outre, le droit de dresser, conformément aux lois et règlements de leurs pays, dans leurs chancelleries ou bureaux, les actes de naissance, de reconnaissance d'enfant naturel, de mariage, de divorce et de décès concernant les citoyens de leur pays, ainsi que tous actes conventionnels passés entre des citoyens de leur pays et des citoyens ou autres habitants du pays où ils résident, et même tous actes de ces derniers, pourvu que ces actes aient rapport à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartiendra le Consul ou l'Agent devant lequel ils seront passés.

Les copies des dits actes et les documents officiels de toute espèce, soit en original, en copie ou en traduction, dûment légalisés par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires, et munis de leur cachet officiel, feront foi en justice, dans les Tribunaux respectifs du pays pour lequel ils ont été délivrés.

XI. Les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires respectifs seront exclusivement chargés du maintien de l'ordre intérieur à bord des navires de commerce de leur nation et connaîtront seuls de tous les différends qui se seront élevés en mer ou s'élèveront dans les ports entre les capitaines, les officiers et les hommes de l'équipage, à quelque titre que ce soit, particulièrement pour le règlement des salaires et l'exécution des engagements réciproquement consentis. Les autorités du pays ne pourront, à aucun titre, intervenir dans ces questions.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus seraient de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou quand une personne du pays ou ne faisant pas partie de l'équipage s'y trouvera mêlée.

Dans tous les autres cas, les autorités précitées se borneront à prêter tout appui aux Consuls-Généraux, Consuls et Vice-Consuls ou Agents Consulaires, si elles en sont requises par eux, pour faire arrêter et conduire en prison tout individu inscrit sur le rôle de l'équipage, chaque fois que, pour un motif quelconque, les dits Agents le jugeront convenable.

XII. Les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires pourront faire arrêter les officiers, matelots et toutes les autres personnes faisant partie des équipages, à quelque titre que ce soit, des bâtiments de guerre ou de commerce de leur nation, qui seraient prévenus ou accusés d'avoir déserté les dits bâtiments, pour les renvoyer à bord ou les transporter dans leur pays. A cet effet ils s'adresseront, par écrit, aux autorités locales compétentes des pays respectifs et leur feront, par écrit, la demande de ces déserteurs, en justifiant, par l'exhibition des registres du bâtiment ou du rôle d'équipage ou par d'autres documents officiels, que les hommes qu'ils réclament faisaient partie du dit équipage.

Sur cette seule demande, ainsi justifiée, la remise des déserteurs ne pourra leur être refusée, à moins qu'il ne soit dûment prouvé qu'ils étaient citoyens du pays où l'extradition est réclamée au moment de leur inscription sur le rôle. Il leur sera donné toute aide et protection pour la recherche, la saisie et l'arrestation de ces déserteurs, qui seront même détenus et gardés dans les prisons du pays, à la réquisition et aux frais des Consuls, jusqu'à ce que ces Agents aient trouvé une occasion de les faire partir. Si pourtant cette occasion ne se présentait pas dans un délai de deux mois à partir du jour de l'arrestation, les déserteurs seraient mis en liberté et ne pourraient plus être arrêtés pour la même cause.

Si le déserteur avait commis quelque délit, son extradition serait différée jusqu'à ce que le Tribunal qui a droit d'en connaître ait rendu son jugement et que celui-ci ait eu son effet.

Les Consuls-Généraux, Consuls, Vice-Consuls et Agents Consulaires des Hautes Parties Contractantes pourront demander l'assistance des autorités locales compétentes, quand les lois des deux pays le permettent, pour faire débarquer un marin quelconque accusé de crime ou de délit, qui doit être conduit avec les pièces du procès au port de provenance.

XIII. A moins de stipulations contraires entre les armateurs, chargeurs et assureurs, toutes avaries essuyées à la mer par les navires des deux pays, soit qu'ils abordent volontairement au port, soit qu'ils se trouvent en relâche forcée, seront réglées par les Consuls-Généraux, Consuls, Vice-Consuls ou Agents Consulaires des pays respectifs.

Si cependant des habitants du pays ou des citoyens d'une tierce nation se trouvaient intéressés dans les dites avaries, et que les

parties ne pussent s'entendre à l'amiable, le recours à l'autorité locale compétente serait de droit.

XIV. Toutes les opérations relatives au sauvetage des navires Belges naufragés sur les côtes de Nicaragua et des navires Nicaraguais sur les côtes de Belgique au Nicaragua seront respectivement dirigées par les Consuls-Généraux, Consuls et Vice-Consuls de Belgique et par les Consuls-Généraux, Consuls et Vice-Consuls de Nicaragua en Belgique, et, jusqu'à leur arrivée, par les Agents Consulaires respectifs là où il existera une agence ; dans les lieux et ports où il n'existerait pas d'agence, les autorités locales auront, en attendant l'arrivée du Consul dans l'arrondissement duquel le naufrage aurait eu lieu, et qui devrait être immédiatement prévenu, à prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Les autorités locales n'auront d'ailleurs à intervenir que pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

Il est bien entendu que ces marchandises ne seront tenues à aucun droit de douane, à moins qu'elles ne soient destinées à être livrées à la consommation dans le pays où le naufrage aurait eu lieu.

L'intervention des autorités locales dans ces différents cas n'occasionnera des frais d'aucune espèce, hors ceux auxquels donneraient lieu les opérations du sauvetage et la conservation des objets sauvés, ainsi que ceux auxquels seraient soumis, en pareil cas, les navires nationaux. Les habitants du pays qui se trouveraient intéressés dans les objets sauvés pourront avoir recours à l'autorité locale compétente pour toutes les questions concernant la revendication, la remise ou la vente des dits objets, ainsi que pour les dépenses de sauvetage et de conservation.

XV. En cas de décès d'un Belge au Nicaragua ou d'un Nicaraguien en Belgique, les autorités locales compétentes doivent immédiatement en donner avis au Consul-Général, Consul, Vice-Consul ou Agent Consulaire le plus rapproché de la nation à laquelle le défunt appartient ; ceux-ci, de leur côté, devront donner le même avis aux autorités locales lorsqu'ils en seront informés les premiers.

L'autorité locale compétente complétera le dit avis par la remise d'une expédition en due forme et sans frais de l'acte de décès.

En cas d'incapacité ou d'absence des héritiers ou d'absence des exécuteurs testamentaires, les Agents du Service Consulaire, concurremment avec l'autorité locale compétente, auront le droit, conformément aux lois de leurs pays respectifs, de faire tous actes nécessaires à la conservation et à l'administration de la succession, notamment d'apposer et de lever les scellés, de former l'inventaire, d'administrer

et de liquider la succession, en un mot de prendre toutes les mesures nécessaires à la sauvegarde des intérêts des héritiers, sauf le cas où naîtraient des contestations, lesquelles devraient être décidées par les Tribunaux compétents du pays où la succession est ouverte.

XVI. La présente Convention restera en vigueur pendant dix ans, qui commenceront à compter trois mois après l'échange des ratifications.

Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié par une déclaration officielle, douze mois avant la fin de la dite période, son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XVII. La présente Convention sera ratifiée, et les ratifications en seront échangées dans le délai de dix-huit mois ou plus tôt si c'est possible.

En foi de quoi les Plénipotentiaires l'ont signée et y ont apposé leurs cachets.

Fait à Guatémala, en double exemplaire, le 2 Octobre, 1905.

(L.S.) E. POLLET.

(L.S.) A. PALLAIS.

CONVENTION entre la Belgique et le Grand-Duché de Luxembourg relative à la Réparation des Dommages résultant des Accidents du Travail.—Signé à Bruxelles, le 15 Avril, 1905.

[Ratifications échangées à Bruxelles, le 25 Octobre, 1905.]

SA Majesté le Roi des Belges et Son Altesse Royale le Grand-Duc de Luxembourg, également animés du désir d'assurer aux ressortissants de leurs États respectifs le bénéfice réciproque de la législation en vigueur sur la réparation des dommages résultant des accidents du travail, ont résolu de conclure à cet effet une Convention, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron de Favereau, Membre du Sénat, Chevalier de l'Ordre de Léopold, Chevalier de l'Ordre de la Couronne de Chêne, &c., son Ministre des Affaires Étrangères ; et

Son Altesse Royale le Grand-Duc de Luxembourg, M. le Comte de Marchant d'Ansembourg, Chambellan de Son Altesse Royale le

Grand-Duc de Luxembourg et de Sa Majesté la Reine des Pays-Bas, Commandeur de première classe avec plaque de l'Ordre d'Adolphe de Nassau, Officier de l'Ordre de la Couronne de Chêne, Commandeur de l'Ordre de Léopold, &c., son Chargé d'Affaires près Sa Majesté le Roi des Belges ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les ouvriers Belges victimes d'accidents du travail dans le Grand-Duché de Luxembourg, ainsi que leurs ayants droit, seront admis au bénéfice des mêmes indemnités et des mêmes garanties que les sujets Luxembourgeois. Par réciprocité, les ouvriers Luxembourgeois victimes d'accidents du travail en Belgique, ainsi que leurs ayants droit, seront admis au bénéfice des mêmes indemnités et des mêmes garanties que les sujets Belges.

II. Il sera cependant fait exception à la règle précédente lorsqu'il s'agira d'ouvriers, sans distinction de nationalité, qui sont occupés passagèrement, c'est-à-dire, pendant six mois au plus, sur le territoire de celui des deux États Contractants où l'accident est survenu, mais qui sont attachés à une entreprise située sur le territoire de l'autre État, auquel cas la législation de ce dernier État sera seule applicable.

III. Les dispositions de l'Article 48, No. 2, et de l'Article 49, alinéa 4, de la Loi Luxembourgeoise du 5 Avril, 1902, sont suspendues expressément au profit des ayants droit de nationalité Belge.

IV. Les dispositions des Articles I, II, et III de la présente Convention seront semblablement applicables aux personnes que les lois de chacun des États Contractants assimilent aux ouvriers, en ce qui concerne la réparation des dommages résultant des accidents du travail.

V. Les exemptions prononcées en matière de timbre, de greffe et d'enregistrement, et la délivrance gratuite stipulée par la législation Belge sur les accidents du travail, sont étendues aux actes, certificats, et documents visés par cette législation qui seront passés ou délivrés aux fins d'exécution de la loi Luxembourgeoise. Réciproquement, les exemptions prononcées et la délivrance gratuite stipulée par la législation grandducale sont étendues aux actes, certificats, et documents visés par cette législation et qui seront passés ou délivrés aux fins d'exécution de la loi Belge.

VI. Les autorités Belges et Luxembourgeoises se prêteront mutuellement leurs bons offices en vue de faciliter de part et d'autre l'exécution des lois relatives aux accidents du travail.

VII. La présente Convention sera ratifiée, et les ratifications seront échangées à Bruxelles le plus tôt possible.

Elle entrera en vigueur dix jours après la publication dans les

formes prescrites par la législation des deux pays, et demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncée.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et y ont apposé leurs cachets.

Fait en double à Bruxelles, le 15 Avril, 1905.

(L.S.) FAVEREAU.

(L.S.) LE COMTE D'ANSEMBOURG.

*TREATY of Arbitration between Belgium and Spain.—Signed at Madrid, January 23, 1905.**

[Ratifications exchanged at Madrid, December 16, 1905.]

SA Majesté le Roi des Belges et Sa Majesté le Roi d'Espagne, désirant régler autant que possible par la voie de l'arbitrage les différends qui pourraient s'élever entre leurs pays, ont décidé de conclure, à cet effet, une Convention et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, son Excellence M. le Baron Joostens, Officier de l'Ordre de Léopold, Commandeur de l'Ordre Royal d'Isabelle la Catholique, Chevalier de l'Ordre Royal et Distingué de Charles III d'Espagne, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique ; et

Sa Majesté le Roi d'Espagne, son Excellence Ventura Garcia Sancho é Harondo, Marquis de Aguilar de Campoo et de Torre Blanca, son Ministre d'État, Sénateur à vie, Chambellan de Sa Majesté le Roi en qualité de Grand d'Espagne, Grand-Croix de l'Ordre Royal et Distingué de Charles III et d'Isabelle la Catholique, de la Légion d'Honneur, de la Couronne de Fer d'Autriche, du Christ de Portugal, Chevalier de Saint-Jean de Jérusalem, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage, établie à La Haye par la Convention du 29 Juillet, 1899,† les différends qui viendraient à s'élever entre Elles, dans les cas énumérés à l'Article III, pour autant qu'ils ne touchent ni à l'honneur ni à l'indépendance ou à la

* "Moniteur Belge," January 19, 1906.

† Vol. XCI, page 970.

souveraineté des pays contractants, et qu'une solution amiable n'ait pu être obtenue par des négociations diplomatiques directes, ou par toute autre voie de conciliation.

II. Il appartient à chacune des Hautes Parties Contractantes d'apprécier si le différend qui se sera produit met en cause son honneur, son indépendance ou sa souveraineté, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

III. Sous les réserves indiquées à l'Article I, l'arbitrage sera obligatoire entre les Hautes Parties Contractantes :

1. En cas de contestations concernant l'application ou l'interprétation de toutes Conventions conclues ou à conclure entre Elles, à l'exception de celles auxquelles des tierces Puissances auraient participé ou adhéré ;

2. En cas de contestations concernant des réclamations pécuniaires du chef de dommages, lorsque le principe de l'indemnité est reconnu par les Parties.

IV. Lorsqu'il y aura lieu à un arbitrage entre Elles, les Hautes Parties Contractantes, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention signée à La Haye, le 29 Juillet, 1899, pour le règlement pacifique des conflits internationaux, sauf en ce qui concerne les points indiqués ci-après.

V. Aucun des arbitres ne pourra être ressortissant des États signataires de la présente Convention, ni être domicilié dans leurs territoires, ni être intéressé dans les questions qui feront l'objet de l'arbitrage.

VI. Les compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme durant lequel devra avoir lieu l'échange entre les deux Parties des mémoires et documents se rapportant à l'objet du litige. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

VII. Le compromis fixera la somme que les Hautes Parties Contractantes mettront immédiatement à la disposition du Bureau Permanent de la Cour d'Arbitrage pour couvrir les frais de procédure, conformément à l'Article LVII de la Convention du 29 Juillet, 1899.

VIII. La sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée, s'il y a lieu.

IX. La présente Convention est conclue pour la durée de dix ans. Elle entrera en vigueur un mois après l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, six mois avant la fin de la dite période, son intention de faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expira-

tion d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

X. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Madrid.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à Madrid, en double expédition, le 23 Janvier, 1905.

(L.S.) JOOSTENS.

(L.S.) EL MARQUES DE AGUILAR DE CAMPOO.

*TREATY of Arbitration between Belgium and Greece.—Signed at Athens, ^{April 19}_{May 3}, 1905.**

[Ratifications exchanged at Athens, July $\frac{9}{22}$, 1905.]

SA Majesté le Roi des Belges et Sa Majesté le Roi des Hellènes, désirant régler autant que possible par la voie de l'arbitrage les différends qui pourraient s'élever entre leurs pays, ont décidé de conclure, à cet effet, une Convention et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron de Groote, Chevalier de l'Ordre de Léopold, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Hellènes ; et

Sa Majesté le Roi des Hellènes, M. A.-G. Skousès, Commandeur de l'Ordre Royal du Sauveur, &c., son Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage, établie à La Haye par la Convention du 29 Juillet, 1899,† les différends qui viendraient à s'élever entre Elles dans les cas énumérés à l'Article III, pour autant qu'ils ne touchent ni aux intérêts vitaux, ni à l'honneur, ni à l'indépendance ou à la souveraineté des pays contractants, et qu'une solution amiable n'ait pu être obtenue par des négociations diplomatiques directes, ou par toute autre voie de conciliation.

II. Il appartient à chacune des Hautes Parties Contractantes d'apprécier si le différend qui se sera produit met en cause ses intérêts vitaux, son indépendance ou sa souveraineté, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

* "Moniteur Belge," January 19, 1906.

† Vol. XCI, page 970.

III. Sous les réserves indiquées à l'Article I, l'arbitrage sera obligatoire entre les Hautes Parties Contractantes :

1. En cas de contestations concernant l'application ou l'interprétation de toutes Conventions conclues entre Elles, à l'exception de celles auxquelles des tierces Puissances auraient participé ou adhéré ;

2. En cas de contestations concernant des réclamations pécuniaires entre les deux Parties Contractantes du chef de dommages, lorsque le principe de l'indemnité est reconnu par les Parties.

IV. L'arbitrage obligatoire, admis dans les matières visées par l'Article III, ne pourra être réclaté du chef de faits antérieurs à la présente Convention.

V. Lorsqu'il y aura lieu à arbitrage entre Elles, les Hautes Parties Contractantes, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention signée à La Haye, le 29 Juillet, 1899, pour le règlement pacifique des conflits internationaux, sauf en ce qui concerne les points indiqués ci-après.

VI. Aucun des arbitres ne pourra être ressortissant des États signataires de la présente Convention, ni être domicilié dans leurs territoires, ni être intéressé dans les questions qui feront l'objet de l'arbitrage.

VII. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme durant lequel devra avoir lieu l'échange, entre les deux Parties, des mémoires et documents se rapportant à l'objet du litige. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

VIII. La sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

IX. La présente Convention est conclue pour la durée de cinq ans. Elle entrera en vigueur un mois après l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, six mois avant la fin de la dite période, son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

X. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Athènes.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à Athènes, en double expédition, le ^{19 Avril}_{2 Mai} 1905.

(L.S.) P. DE GROOTE.

(L.S.) A. SKOUSÈS.

*CONVENTION between Belgium and Roumania for the Settlement of Differences by Arbitration.—Signed at Bucharest, May $\frac{1}{2}$, 1905.**

[Ratifications exchanged at Bucharest, ^{September 26}_{October 9}, 1905.]

SA Majesté le Roi des Belges et Sa Majesté le Roi de Roumanie, désirant régler autant que possible par la voie de l'arbitrage les différends qui pourraient s'élever entre leurs pays, ont décidé de conclure, à cet effet, une Convention, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron Beyens, Officier de l'Ordre de Léopold, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire à Bucarest; et

Sa Majesté le Roi de Roumanie, M. le Général de Division Jaques Lahovary, Grand-Croix de l'Ordre de la Couronne de Roumanie, &c., Grand-Officier de l'Ordre de l'Étoile de Roumanie, &c., son Ministre Secrétaire d'État au Département des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage, établie à La Haye par la Convention du 29 Juillet, 1899,† les différends qui viendraient à s'élever entre Elles, dans les cas énumérés à l'Article III, pour autant qu'ils ne touchent ni à l'honneur, ni à l'indépendance, ni à la souveraineté ou aux intérêts essentiels des pays contractants, et qu'une solution amiable n'ait pu être obtenue par des négociations diplomatiques directes, ou par toute autre voie de conciliation.

II. Il appartient à chacune des Hautes Parties Contractantes d'apprécier si le différend qui se sera produit met en cause son honneur, son indépendance, sa souveraineté ou des intérêts essentiels, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

III. Sous les réserves indiquées à l'Article I, l'arbitrage sera obligatoire entre les Hautes Parties Contractantes :

En cas de contestations concernant l'interprétation ou l'application de toute Convention conclue ou à conclure entre les Hautes Parties Contractantes et relatives :—

1. Aux matières de droit privé international ;

* "Moniteur Belge," October $\frac{3}{4}$, 1905.

† Vol. XCI, page 970.

2. Au régime des sociétés, aux tarifs douaniers, au traitement appliqué aux navires et au régime de la navigation en général, à la protection des marques de fabrique et de la propriété artistique ou littéraire;

3. Aux matières de procédure soit civile, soit pénale.

Seront exclus de la solution arbitrale les différends qui naîtraient éventuellement au sujet de l'interprétation ou de l'application d'une Convention conclue ou à conclure entre les Hautes Parties Contractantes et à laquelle des tierces Puissances auraient participé ou adhéré.

IV. La présente Convention recevrait son application, même si les contestations, qui viendraient à s'élever avaient leur origine dans les faits antérieurs à sa conclusion.

V. Lorsqu'il y aura lieu à un arbitrage entre Elles, les Hautes Parties Contractantes, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention signée à La Haye le 29 Juillet, 1899, pour le règlement pacifique des conflits internationaux, sauf en ce qui concerne les points indiqués ci-après.

VI. Aucun des arbitres ne pourra être sujet des États signataires de la présente Convention, ni être domicilié dans leurs territoires, ni être intéressé dans les questions qui feront l'objet de l'arbitrage.

VII. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme dans lequel devra avoir lieu l'échange, entre les deux Parties, des mémoires et documents se rapportant à l'objet du litige. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

VIII. Le compromis fixera la somme que les Hautes Parties Contractantes mettront immédiatement à la disposition du Bureau Permanent de la Cour d'Arbitrage pour couvrir les frais de procédure, conformément à l'Article LVII de la Convention du 29 Juillet, 1899.

IX. La sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

X. La présente Convention est conclue pour la durée de dix ans. Elle entrera en vigueur un mois après l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, six mois avant la fin de la dite période, son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XI. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Bucarest.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à Bucarest, en double original, le $\frac{14}{27}$ Mai, 1905.

(L.S.) BARON BEYENS.

(L.S.) LAHOVARY, *Général de Division.*

SWISS NOTIFICATION of the Transfer of the Korean Postal Service to the Administration of Japan.—Berne, June 6, 1905.

[No. 2400/124.]

*Bureau International de l'Union Postale
Universelle, Berne, le 6 Juin, 1905.*

MONSIEUR,

ME référant à ma Circulaire du 29 Avril dernier, j'ai l'honneur de vous communiquer, en traduction, la lettre suivante et son annexe que l'Administration des Postes du Japon vient de m'adresser :—

(1.)

MONSIEUR,

Tôkiô, le 29 Avril, 1905.

J'ai l'honneur de vous prier, au nom du Ministre des Communications, de vouloir bien informer les Administrations Postales de l'Union de ce qui suit :

Les Gouvernements Impériaux du Japon et de la Corée ont, d'un commun accord, conclu l'Arrangement dont ci-joint copie.

Comme résultat de cet Arrangement, l'Administration des Postes du Japon remplace celle de la Corée non seulement en ce qui concerne les droits et les avantages acquis ou à acquérir, mais encore en ce qui concerne toutes les responsabilités et les obligations financières envers l'Union Postale Universelle (telles que part contributive aux frais communs du Bureau International, frais de transit, &c.).

En outre, dans le cas où une Administration de l'Union désirerait plus tard conclure un nouvel Arrangement Postal International ou entrer en correspondance officielle avec l'Administration Coréenne, les négociations devraient être engagées exclusivement avec l'Administration Japonaise.

Après le transfert à l'autorité Japonaise de l'ensemble des services postaux et télégraphiques, les bureaux de poste Coréens participeront aux services de la poste aux lettres, des colis postaux, et des mandats de poste sur la base des Conventions et Arrangements de Washington*

* See Vol. LXXXIX, page 65, and Vol. XC, pages 1104 and 1127.

et des autres arrangements spéciaux concernant ces services. L'exécution de ces services aura lieu aux mêmes conditions et d'après les tarifs en vigueur dans les Bureaux de Poste Japonais actuellement en activité dans l'Empire de Corée.

La nomenclature des Bureaux de Poste qui seront ouverts au service en Corée après la reprise par le Japon de l'administration des services postaux et télégraphiques, ainsi que la date de cette reprise, seront notifiées plus tard.

J'ai l'honneur, &c.,

K. KOMATSU, *Directeur-Général.*

(2.)

Arrangement.

Les Gouvernements Impériaux du Japon et de la Corée ayant jugé bon, au point de vue administratif et financier de la Corée, de réorganiser le service des communications de ce pays en l'unissant à celui du Japon pour en faire un seul et même service commun aux deux pays, et ayant reconnu la nécessité pour atteindre ce but de placer les services postaux, télégraphiques, et téléphoniques de la Corée sous le contrôle du Gouvernement Japonais, MM. Hayashi Gonsuke, Envoyé Extraordinaire et Ministre Plénipotentiaire du Japon, et I-hayeng, Ministre d'État des Affaires Étrangères de Corée, investis des pouvoirs nécessaires, ont élaboré et agréé les Articles suivants :—

ART. I. Le Gouvernement Impérial de Corée transférera et assignera le contrôle et l'administration du service des postes, des télégraphes, et des téléphones de la Corée (à l'exception du service téléphonique relevant exclusivement de la Cour Impériale) au Gouvernement Impérial du Japon.

II. Les terrains, les bâtiments, les meubles, les instruments, les machines, et les autres objets appartenant au service des communications du Gouvernement Impérial Coréen seront placés, en vertu du présent Arrangement, sous le contrôle du Gouvernement Impérial Japonais.

Les autorités des deux pays dresseront d'un commun accord un inventaire des terrains, bâtiments, et autres objets mentionnés dans le paragraphe précédent pour servir de preuve à l'appui dans la suite.

III. Lorsque le Gouvernement Japonais jugera nécessaire d'étendre le service des communications Coréennes, on pourra approprier à cet effet les terrains et les bâtiments appartenant à l'État ou aux particuliers; la propriété de l'État sera cédée

gratuitement et la propriété des particuliers moyennant une indemnité convenable.

IV. En ce qui concerne le contrôle du service des communications et la protection de la propriété de ce service, le Gouvernement Japonais assume la responsabilité d'une bonne administration.

Les dépenses nécessaires à l'extension des services des communications sont aussi supportées par le Gouvernement Impérial Japonais.

Le dit Gouvernement doit notifier officiellement au Gouvernement Impérial Coréen la situation financière du service des communications placé sous son contrôle.

V. Toutes les fournitures et tous les matériaux qui seront jugés nécessaires par le Gouvernement Impérial du Japon pour le contrôle et l'extension du service des communications seront exempts de tous droits et impôts.

VI. Le Gouvernement Impérial de Corée a la faculté de conserver la direction des communications pour autant que son maintien ne constitue pas un obstacle au contrôle et à l'extension du service par le Gouvernement Japonais.

En assurant le contrôle et l'extension des services postaux, télégraphiques, et téléphoniques, le Gouvernement Japonais devra engager autant de fonctionnaires et employés Coréens que possible.

VII. En ce qui concerne les arrangements postaux, télégraphiques, et téléphoniques conclus antérieurement entre le Gouvernement Coréen et les Gouvernements étrangers, le Gouvernement Japonais exercera, en lieu et place de la Corée, les droits que lui confèrent ces arrangements et il en remplira les obligations.

Si, dans la suite, il était nécessaire de conclure une nouvelle Convention concernant les services des communications entre le Gouvernement Coréen et les Gouvernements étrangers, le Gouvernement Japonais assumera la responsabilité de conclure une telle Convention au nom du Gouvernement Coréen.

VIII. Les divers Conventions et Arrangements concernant les services des communications en vigueur jusqu'ici entre les Gouvernements du Japon et de la Corée sont naturellement abolis ou modifiés par le présent Arrangement.

IX. Lorsque, par suite du développement général du service des communications de la Corée, il y aura un excédent de recettes, en sus des dépenses payées par le Gouvernement Japonais pour assurer le contrôle et le maintien des anciens services et l'extension et l'amélioration de ceux-ci, le Gouvernement Japonais devra verser au Gouvernement Coréen un pourcentage convenable de cet excédent.

X. Lorsque, dans la suite, les finances du Gouvernement Coréen boucleront par un excédent appréciable de recettes, le contrôle des

services des communications pourra être remis au Gouvernement Coréen, après entente entre les deux Gouvernements.

Veuille, &c.,
(Pour le Directeur),
GALLE, *Vice-Directeur.*

GERMAN Law relating to the temporary Protection of Inventions, Designs, Patterns, and Models at Exhibitions.—Gibraltar, March 18, 1904.

(Translation.)

WE, William, by the grace of God, German Emperor, King of Prussia, in the name of the Empire, order, after due approval by the Bundesrath and Reichstag, as follows:—

To inventions, useful designs, patterns, and models, which are exhibited at a German or foreign exhibition, as also trade-marks on wares shown there, temporary protection is afforded under the following conditions:—

1. A notification of the Imperial Chancellor in the "Reichsgesetzblatt" will, in each case, indicate the exhibition for which the temporary protection is granted.

2. The temporary protection has the effect that the display, or other later use elsewhere, or subsequent announcement of the invention, pattern, or trade-mark, does not stand in the way of obtaining the legal protection for patents, patterns, and marks so long as the notification to obtain such protection is made within a term of six months dating from the opening of the exhibition by the person exhibiting or by his successor in the matter of legal rights. Such notification has priority over those notifications which are sent in after the day on which the article was exhibited.

Given at Gibraltar on board the *Friedrich Karl*, the 18th March, 1904.

TREATY of Friendship and Commerce between Germany and Abyssinia.—Signed at Adis Abeba, March 7, 1905.

[German ratifications communicated to the Emperor Menelek,
May 16, 1906.]

(Translation.)

HIS Majesty William II, King of Prussia, in the name of the German Empire, and His Majesty Menelek II, King of Kings of

Ethiopia, being desirous of placing the relations of both Empires on a permanent friendly footing, and to facilitate trade between their respective subjects, have agreed to conclude a Treaty in order to attain these objects.

Consequently, His Majesty the German Emperor, King of Prussia, by means of his Envoy Extraordinary, Dr. Friderich Rosen, whose full powers have been found to be in due and proper form, and His Majesty the Emperor Menelek, negotiating in his own name as King of Kings of Ethiopia, have agreed upon the following provisions, which shall be binding upon themselves, their heirs, and successors:—

ART. I. The subjects and protected persons ("Schützgenossen") of either of the Contracting Parties are to enjoy complete freedom of residence, travel, commerce, and industry in the territories of the other.

II. Each of the Contracting States promises security of person and property to the subjects and protected persons ("Schützgenossen") of the other who remain within its territories.

III. Each of the Contracting Parties shall grant to the subjects and protected persons ("Schützgenossen") of the other all rights, advantages, and privileges which it has conferred or shall, in the future, confer on the subjects of a third State, especially as regards customs duties, internal taxes, and jurisdiction.

IV. The subjects and German protected persons ("Schützgenossen") are to have the right of using the telegraph lines, postal arrangements, and all other means of communication on the same conditions and for the same fees as the natives or the subjects of a third State.

V. Each of the Contracting Parties may appoint properly authorized Representatives in the country of the other, who are to reside at places where their presence may appear to be necessary or desirable on account of commercial or other interests; they have also the right to visit at all times every part of the country.

VI. The present Treaty is to remain in force for ten years from the day of its coming into force. If neither of the Contracting Parties, within twelve months before the expiration of that period, notifies officially its intention to terminate the Treaty, it will remain in force for a further year and so on until the expiration of one year after the said notice to terminate has been given.

The present Treaty is to come into force one month after the day on which the ratification of the German Government has been notified to His Majesty the Emperor of Ethiopia.

His Majesty Menelek II, King of Kings of Ethiopia, in the name of his Empire, and the Imperial German Envoy, Dr. Friedrich Rosen, on behalf of the German Emperor, King of Prussia, have

signed this Treaty in duplicate, written in the German and Amharic languages identically, and have affixed thereto their seals.

Done at Adis Abeba, the 7th day of March in the year of grace 1905 (according to the Ethiopian reckoning of time, the 28th Yekat, 1897).

(L.S.) ROSEN.

(Ethiopian State Seal.)

ORDINANCE enacted by the Commissioner of Wei-hai Wei, to provide for the Arrest and Surrender of Foreign Deserters.

[No. 9 of 1904.]

[June 25, 1904.]

(L.S.) J. H. STEWART LOCKHART,
Commissioner.

BE it enacted by the Commissioner of Wei-hai Wei as follows:—

1. This Ordinance may be cited as “The Foreign Deserters’ Ordinance, 1904.”

2. Where it appears to the Commissioner that due facilities are or will be given by the Government of any foreign country for recovering and apprehending seamen who desert from British merchant-ships in that country, the Commissioner may, by notification stating that such facilities are or will be given, declare that this Ordinance shall apply in the case of such foreign country subject to any limitations, conditions, and qualifications contained in the notification.

3. Where this Ordinance applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within the territory from a merchant-ship belonging to a subject or citizen of that country, any Court, justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a Consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

4. If any person harbours or secretes any deserter liable to be apprehended under this Ordinance, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding 100 dollars,

5. The Commissioner may at any time by notification declare that any notification theretofore made with respect to the application to a foreign country of this Ordinance shall as and from a date specified cease to have effect, and this Ordinance shall as and from the said date cease to apply in the case of the foreign country named in that notification.

EXCHANGE OF NOTES between the British and Swiss Governments respecting the Accession of Mexico on March 13, 1905, to the Convention signed at Geneva, August 22, 1864, for the Amelioration of the Condition of the Wounded in Armies in the Field.—London, ^{July 28}_{August 5}, 1905.

No. 1.—M. Probst to the Marquess of Lansdowne.

Légation de Suisse, Londres,

M. LE MARQUIS,

le 28 Juillet, 1905.

SUR l'ordre de mon Gouvernement j'ai l'honneur d'informer votre Seigneurie que, par note du 13 Mars dernier, le Secrétariat Mexicain des Relations Extérieures a annoncé au Conseil Fédéral Suisse l'adhésion des États-Unis du Mexique à la Convention de Genève du 22 Août, 1864,* pour l'amélioration du sort des militaires blessés dans les armées en campagne. En date du 24 Juin le dit Secrétariat a remis au Conseil Fédéral copie du Décret par lequel le Sénat Mexicain a approuvé, en date du 25 Avril, 1905, cette adhésion.

Veuillez, &c.,

Le Marquis de Lansdowne.

PROBST.

No. 2.—The Marquess of Lansdowne to M. Probst.

SIR,

Foreign Office, August 8, 1905.

I HAVE the honour to acknowledge the receipt of your note of the 28th ultimo, announcing the accession of the United States of Mexico to the Geneva Red Cross Convention of the 22nd August, 1864, for the amelioration of the condition of the wounded in armies in the field.

I have, &c.,

M. Probst.

LANSDOWNE.

* Vol. LV, page 43.

PROCLAMATION by the Prince of Montenegro to His Subjects promising them Political Rights. — Cetinje, October 18, 1905.

Proclamation adressée au Peuple Monténégrin.

Mes chers Monténégrins !

Tout homme appartenant à une société cultivée doit en même temps être un citoyen libre. C'est ainsi que pense votre vieux Prince et Maître qui est né, a grandi et a toujours persisté dans ce sentiment.

Qu'est-ce qui animait le cœur de mes ancêtres et des vôtres ? Qu'est-ce qui a permis à une poignée de Montagnards de conserver leur liberté chérie dans leur aire glorieuse, d'où ils répandaient une atmosphère d'espérance et d'audace sur leurs frères enchaînés tout autour d'eux dans les Balkans ? L'amour de la liberté et rien autre ; car la liberté est notre seul trésor ; elle est l'essence de notre vie et notre orgueil. L'abandon de son culte ne pourrait qu'entraîner notre déchéance. N'est-il pas vrai, mes braves ?

La liberté, la concorde, l'abnégation et l'obéissance exemplaire de vos aïeux vis-à-vis des miens ont créé et illustré ce petit État rocheux qui est aujourd'hui, grâce à Dieu, aimé et considéré des forts et des puissants. Nous devons non seulement nous maintenir à ce niveau moral, mais avoir de plus hautes aspirations encore. L'état d'esprit contemporain l'exige, et notre devoir est d'y aider de toute notre force, pour le développement et le progrès de notre patrie.

Mes braves ! Choisissez librement vos Députés selon le mode qui vous aura été indiqué par mon Gouvernement. Que ceux-ci se groupent autour de moi. Je les initierai à leur mission, et de ce contact résulteront les solutions les plus avantageuses au libre développement de notre pays.

J'ai rassemblé une provision considérable d'armes, de sabres, de canons et de munitions ; je les ai remis entre vos mains, car je sais que vous saurez en faire comme toujours un brillant usage, si l'honneur et la sécurité de la patrie venaient à l'exiger.

Mais la patrie avait d'autres besoins, aussi me suis-je efforcé, au cours des quarante-cinq années d'un règne hérissé de difficultés, de lui former des enfants auxquels je pourrai en toute sécurité confier la garde de ma chère Tzrna-Gora.

Ces besoins, mes fils, il est temps aujourd'hui de vous les faire connaître, et de chercher à les satisfaire dans la mesure permise par les circonstances et par l'état d'évolution des esprits : accourez donc autour de moi le jour de la Saint-Nicolas. Vous prendrez, en ma

présence, contact avec mon Gouvernement et à la suite de votre heureuse entente avec lui, nous nous trouverons tous d'accord sur ce qui peut le mieux convenir au développement régulier et sain de notre pays.

Les peuples qui nous ont devancés dans la voie de la civilisation nous serviront d'exemple. Nous prendrons dans leur système politique toutes les améliorations justifiées par l'expérience, et, par une application progressive, nous remédierons à ce qu'il pourrait y avoir d'imparfait dans nos coutumes patriarcales.

C'est dans ces dispositions dictées par l'ardent et profond amour que j'ai toujours nourri pour vous, que je veux, dans la plénitude de mon indépendance, vous accorder certains droits qui vous permettent de collaborer aux affaires de l'État.

Je laisse à mes héritiers le soin d'en assurer le développement raisonnable selon l'exigence des temps.

Les droits que je vous consens aujourd'hui ne dépasseront pas une certaine limite, mais ils n'apporteront aucune déception aux espérances raisonnables.

Vous pensez tous comme moi, j'en suis sûr ; dans un pays libre nous vivons en citoyens libres, et nous devons préserver soigneusement notre sol héroïque des germes dangereux et des secousses irréflechies.

A cette condition nous resterons forts et dispos : "l'œuf fêlé se brise en heurtant l'œuf intact."

Je vous adresse cette Proclamation à la Saint-Luc, anniversaire du jour où le glorieux Saint-Pierre, Hospodar du Monténégro, s'endormit dans la paix du Seigneur. Je le supplie de protéger notre future Assemblée et de demander au Dieu Tout Puissant de bénir nos patriotiques décisions tant en cette circonstance qu'en toutes celles qui intéressent le bonheur, la prospérité et la gloire de la Tzrna-Gora.

Donné en notre capitale de Cettinje, le 18 du mois d'Octobre de l'an 1905 de Jésus Christ et le quarante-sixième de notre règne.

NICOLAS.

CONSTITUTION granted to His Subjects by the Prince of Montenegro.—Cettinje, Decembre $\frac{6}{19}$, 1905.

Nous, Nicolas I, par la grâce de Dieu Prince et Gospodar de Monténégro, octroyons et publions cette Constitution pour la Principauté de Monténégro :—

Première Partie.—*De la forme du Gouvernement ; du Prince Gospodar ;
Territoire et Religion de l'État.*

ART. 1. La Principauté du Monténégro est une Monarchie héréditaire et constitutionnelle avec représentation nationale.

2. Le Prince Gospodar est Chef de l'État et, comme tel, possède tous les droits du pouvoir suprême et les exerce d'après les dispositions de la présente Constitution. Sa personne est inviolable et irresponsable. Il ne peut en aucun cas être mis en accusation.

3. Le Prince Gospodar exerce le pouvoir législatif de concert avec la représentation nationale.

4. Le Prince Gospodar sanctionne et promulgue les lois. Aucune loi ne peut entrer en vigueur sans que le Prince Gospodar la sanctionne et la promulgue.

5. Le Prince Gospodar est le Chef suprême de l'armée.

6. Le Prince Gospodar est le protecteur de toutes les religions reconnues au Monténégro.

7. Le Prince Gospodar représente le pays dans toutes ses relations avec les États étrangers. Il déclare la guerre, conclut les Traités de Paix et d'Alliance et les communique à la représentation nationale, en tant que et lorsque les intérêts et la sécurité du pays le permettent. Pour les Traités de Commerce, pour ceux dont l'exécution exige des sorties d'argent de la caisse du trésor, nécessite une modification aux lois du pays, ou limite les droits privés et publics des sujets Monténégrins, l'approbation de la Skoupchtina est nécessaire.

8. Le Prince Gospodar nomme tous les fonctionnaires de l'État. Toutes les autorités du pays exercent leurs fonctions en son nom et sous sa surveillance suprême.

9. Le Prince Gospodar confère les grades militaires conformément aux dispositions des lois.

10. Le Prince Gospodar a le droit de battre monnaie.

11. Le Prince Gospodar confère les décorations, les titres et les autres distinctions.

12. Le Prince Gospodar a le droit d'amnistie.

13. Le Prince Gospodar a le droit de grâce criminelle ; il peut mitiger, diminuer, ou remettre complètement les peines.

Il ne peut y avoir de suspension d'enquête et de procès en cours pour des criminels non politiques.

14. Le Prince Gospodar et sa famille doivent appartenir à la religion Orientale-Orthodoxe.

15. L'héritier et les autres membres de la famille régnante ne peuvent pas se marier sans la permission du Prince Gospodar.

16. Le Prince Gospodar réside dans le pays, et si, en cas de besoin, il quitte pour quelque temps le Monténégro, il est repré-

senté par le Prince Hérítier. Dans le cas où celui-ci serait empêché de représenter le Prince Gospodar, l'autorité constitutionnelle de la Principauté sera exercée par le Conseil des Ministres conformément aux instructions que lui aura données le Prince Gospodar dans les limites de la Constitution. Le Prince Gospodar annonce au peuple par une Proclamation son départ du pays et la nomination de son Représentant.

17. Le Prince Gospodar convoque la Skoupchtina Nationale en session ordinaire ou extraordinaire. Il ouvre et clôture les séances de la Skoupchtina Nationale personnellement par un discours du Trône, et par l'intermédiaire du Conseil des Ministres moyennant un Message ou un Oukase. Le Prince Gospodar a le droit d'ajourner la Skoupchtina Nationale et de la dissoudre. L'Oukase d'ajournement et de dissolution de la Skoupchtina doit être contre-signé de tous les Ministres.

18. Au Monténégro règne le Prince Nicolas I Petrovitch Niégosch.

Sous le nom de Maison régnante on entend : le Souverain, la Souveraine, le Prince Hérítier, la Princesse Femme de l'Hérítier.

Sont membres de la Maison régnante : le père et le grand-père du Souverain, les ascendants en ligne droite, puis les fils, les frères, les femmes des frères, les filles, les sœurs, les neveux (fils des frères), petits-fils et petites-filles.

Aucun autre parent, soit par le sang, soit par l'alliance, n'est considéré comme membre de la famille régnante, et ne peut, par conséquent, jouir d'aucune prérogative ni d'aucun droit de préférence aux autres sujets Monténégrins.

19. Sont appelés à la succession, les descendants mâles par ordre de primogéniture, ainsi qu'il est prescrit par le Statut spécial de famille sur la succession au Trône.

20. Le Prince Gospodar et l'Hérítier du Trône atteignent leur majorité à 18 ans accomplis.

21. En cas de décès du Prince Gospodar, l'Hérítier du Trône prend immédiatement le pouvoir en qualité de Prince Gospodar du Monténégro et notifie au peuple son avènement au Trône par une Proclamation.

Il convoque la Skoupchtina Nationale dans les trente jours suivants le décès du défunt Prince Gospodar pour prêter devant elle le serment prescrit par la Constitution. Au cas où la Skoupchtina serait dissoute sans que la nouvelle fût encore élue, c'est l'ancienne qui serait réunie à cet effet.

Il en serait de même si le Prince Gospodar abdiquait de son vivant en faveur de son Hérítier.

22. En prenant possession du pouvoir le Prince Gospodar prête devant la Skoupchtina Nationale le serment suivant :—

“ En montant sur le Trône et en prenant possession du pouvoir comme Prince Gospodar du Monténégro, je jure devant le Dieu Tout Puissant et devant tous les Saints de défendre la Constitution, de gouverner suivant la Constitution et les lois, et d'avoir dans toutes mes tendances et mes œuvres le bien-être de la patrie devant les yeux.

“ Ainsi que je l'ai sincèrement juré, que Dieu m'aide et le Saint Évangile et cette croix que j'embrasse avec foi et amour. Ainsi soit-il.”

23. Si à la mort du Prince Gospodar, l'Héritier du Trône n'est pas majeur l'autorité Princièrre Constitutionnelle sera exercée, jusqu'à la majorité, par une régence composée de trois membres.

24. Les Régents sont nommés par le Prince Gospodar dans son testament; s'il n'a pas pris de disposition à cet égard, par la Skoupchtina.

25. Le testament par lequel le Prince Gospodar nomme les Régents Princièrs doit être écrit et signé de sa propre main.

Les membres du Conseil des Ministres signent comme témoins au verso du testament.

Le testament doit être écrit en trois exemplaires qui, cachetés du sceau du Prince Gospodar, sont déposés l'un au Conseil d'État, l'autre au Tribunal Suprême, et le troisième entre les mains du Garde des Sceaux.

26. Si le Prince Gospodar n'a point désigné les Régents par son testament, l'autorité constitutionnelle est exercée provisoirement par le Conseil des Ministres, qui le notifie par une Proclamation et convoque la Skoupchtina pour l'élection des Régents Princièrs, au plus tard un mois à partir du jour du décès du Prince Gospodar.

27. Si la Princesse mère est vivante, elle doit faire partie de la Régence et la Skoupchtina Nationale choisit les deux autres Régents.

28. Les Régents sont choisis seulement parmi les sujets Monténégrins de naissance; ils doivent être de religion orthodoxe, jouir de tous les droits civils, avoir quarante ans accomplis, être Ministres ou Conseillers d'État, ou Envoyés accrédités près une Cour Étrangère, Présidents du Tribunal Suprême ou du Contrôle-Général de l'État ou Brigadiers; ou avoir exercé une de ces fonctions.

29. L'élection des Régents se fait toujours au scrutin secret.

30. Les Régents touchent par an, à titre de traitement, le cinquième de la Liste Civile du Prince Gospodar qu'ils se partagent entre eux en parties égales.

Les Régents avant de prendre possession de l'autorité Princièrre prêtent serment qu'ils seront fidèles au Prince Gospodar, et qu'ils gouverneront selon la Constitution et les lois du pays; après quoi ils notifient par une Proclamation la prise de possession de l'autorité

Princièrè. S'ils sont nommés par le testament, ils prêtent le serment devant la Skoupchtina, qu'ils doivent convoquer au plus tard un mois après le décès du Prince Gospodar; dans l'autre cas ils prêtent le serment devant la Skoupchtina qui les a élus.

31. Pendant la minorité du Prince Gospodar, aucun changement ne peut être apporté dans la Constitution.

32. Si l'un des Régents meurt ou est empêché d'exercer ses fonctions, il est remplacé par le Président du Conseil d'État.

33. La Régence Princièrè dirigera l'éducation du Prince Gospodar mineur.

34. Si le Prince Gospodar vient à mourir sans laisser de descendants mâles et que la Princesse soit enceinte, le pouvoir Princier sera exercé provisoirement, jusqu'au moment des couches, par le Président du Conseil d'État, le Président du Conseil des Ministres, et le Président du Tribunal Suprême; après les couches, les Régents Princiers seront élus conformément à l'Article 28 de la présente Constitution.

35. La Liste Civile du Prince Gospodar est fixée par une Loi. Elle ne peut être augmentée sans l'autorisation de la Skoupchtina, ni diminuée sans le consentement du Prince Gospodar.

36. Le territoire de la Principauté de Monténégro ne peut être ni divisé ni aliéné. Ses frontières ne peuvent être ni amoindries ni modifiées sans une entente entre le Prince Gospodar et la Skoupchtina.

37. Le Monténégro est divisé en départements, les départements en arrondissements, les arrondissements en communes.

38. Les armoiries de la Principauté de Monténégro sont l'aigle blanc à deux têtes surmontées de la Couronne Impériale, tenant dans ses serres le sceptre Impérial à droite et le globe à gauche; sur la poitrine, un lion d'argent sur champ de gueules.

39. Les couleurs nationales sont : Rouge, bleu, blanc.

40. La religion d'État est au Monténégro l'Orthodoxe Orientale. L'Église Monténégrine est autocéphale.

Elle ne dépend d'aucune Église étrangère, mais elle garde l'unité des dogmes avec l'Église Orthodoxe Orientale Œcuménique.

Toutes les autres confessions religieuses reconnues sont libres au Monténégro.

Deuxième Partie.—*De la Représentation Nationale.*

41. La représentation nationale est la Skoupchtina. Elle remplace les réunions, les Assemblées et les Conférences existants jusqu'ici au Monténégro.

42. Le Prince Gospodar convoque la Skoupchtina régulièrement tous les ans le jour de la St. Luc ($\frac{1}{31}$ Octobre), et désigne la localité,

où elle doit se réunir. Il peut également la convoquer en session extraordinaire, si des affaires d'État graves et urgentes l'exigent.

43. Les Députés sont élus pour quatre ans.

44. Si les élections s'effectuent après la dissolution de la Skoupchtina Nationale, la période de quatre ans commence le jour de l'inauguration de la Skoupchtina nouvellement élue.

45. La Skoupchtina est composée de Députés élus par le peuple et de Députés qui en font partie par leur situation, à savoir : le Métropolitain du Monténégro, l'Archevêque d'Antivari (Primat Serbe), le Mufti du Monténégro, le Président et les Membres du Conseil d'État, le Président du Tribunal Suprême, le Président du Contrôleur-Général de l'État, et trois Brigadiers nommés par le Prince Gospodar.

46. Les élections de Députés sont directes.

47. Chaque arrondissement et chaque chef lieu de département, plus la ville de Dulcigno, élisent chacun un Député.

48. Tout citoyen Monténégroin majeur est électeur de droit, sans égard de la somme qu'il paie à titre d'impôt.

49. Perdent temporairement leurs droits électoraux les citoyens Monténégroins qui—

(1.) Sont condamnés à la prison, jusqu'à ce qu'ils aient recouvré leurs droits civils.

(2.) Ceux qui sont, par suite de quelque contravention, condamnés à la perte des honneurs civils, ceci pendant la durée de la peine.

(3.) Les banqueroutiers.

(4.) Ceux qui sont sous tutelle.

(5.) Ceux qui sont entrés au service d'un État étranger sans l'autorisation du Gouvernement Monténégroin.

50. Les officiers, les sous-officiers, et les soldats de l'armée active ne sont pas électeurs.

51. Le vote est essentiellement personnel, et ne peut s'exprimer que dans un seul endroit, à savoir, dans l'arrondissement ou la ville où l'électeur est inscrit.

52. Tout citoyen qui n'a pas le droit de vote est inéligible.

53. Tout citoyen Monténégroin pour être éligible doit avoir trente ans accomplis, avoir son domicile fixe au Monténégro (exceptions faites pour ceux qui vivent à l'étranger, chargés de quelque mission officielle), jouir de tous les droits civils, et payer à l'État au moins 15 couronnes par an sous forme de contributions ou d'impôt, ou de contribution et d'impôt réunis.

54. Les fonctionnaires faisant partie des autorités administratives (police) sont inéligibles.

55. Tous les Députés doivent habiter le Monténégro, mais ils ne sont obligés à résider dans l'arrondissement ou dans la ville où ils ont été élus.

56. Pour être proclamé élu Député dans un arrondissement ou une ville il faut obtenir la majorité absolue des suffrages exprimés.

57. Si aucun candidat n'obtenait la majorité absolue, on recommence l'élection, restreinte entre les deux candidats ayant obtenu le plus grand nombre de voix ; en cas de parité de voix, le sort décide.

58. Tout candidat élu dans deux ou plusieurs circonscriptions doit opter devant la Skoupchtina. Pour les autres circonscriptions, où il avait été élu, on procédera à une nouvelle élection, au plus tard dans le délai d'un mois.

59. En cas d'invalidation, de démission, ou de décès, des élections complémentaires devront avoir lieu, au plus tard dans un mois à partir du jour où le siège est resté vacant.

60. Chaque Député représente toute la nation, et pas seulement ses électeurs.

Ainsi les électeurs ne peuvent donner un mandat impératif au Député, auquel son expérience et sa conscience doivent seuls dicter ses actes et ses ordres.

61. Dans sa première séance, tenue sous la présidence du doyen d'âge, la Skoupchtina se divise, par voie de tirage au sort, en bureaux qui élisent chacun un membre devant faire partie de la Commission chargée de la vérification des mandats des Députés.

62. Seule la Skoupchtina Nationale vérifie les mandats de ses membres, et les valide ou les invalide.

63. Tous les Députés prêtent, en entrant en fonction, le serment suivant : " Je jure devant le Dieu unique d'être fidèle au Prince Gospodar, de défendre fidèlement la Constitution, et de n'avoir en vue dans l'exercice de mes fonctions que la prospérité du Prince Gospodar et de la patrie. Dieu m'aide-t-il alors dans ce monde et dans l'autre."

64. La Skoupchtina Nationale, toutes les fois qu'elle est convoquée, choisit parmi ses membres et par suffrage secret un Président, un Vice-Président, et deux Secrétaires.

65. Le Prince Gospodar inaugure et clôture la Skoupchtina Nationale. Il peut l'inaugurer personnellement par un Discours du Trône, ou par l'intermédiaire du Conseil des Ministres par un Message ou par un Oukase.

66. Le Prince Gospodar peut ajourner la Skoupchtina Nationale convoquée, mais pour une période n'excédant plus de trois mois ; il peut aussi la dissoudre et faire procéder à de nouvelles élections.

Les nouvelles élections doivent avoir lieu au plus tard dans un délai de quatre mois, et la nouvelle Skoupchtina être convoquée au plus tard six mois après la dissolution.

67. La Skoupchtina Nationale répond par une Adresse au Discours du Trône par lequel le Prince Gospodar inaugure la session.

68. Les séances de la Skoupchtina se tiennent publiquement ou à huis clos. On prononcera les huis clos sur demande du Président de la Skoupchtina, du Gouvernement, ou de dix Députés.

69. La Skoupchtina ne peut consulter ni délibérer que si plus de la moitié de tous les Députés assistent à la séance. Ses décisions, pour être valables, doivent être adoptées à la majorité absolue des suffrages exprimés.

70. La votation de la Skoupchtina a lieu par appel nominal et par assis et levé, exception faite pour les cas prévus aux Articles 29 et 64 de la Constitution.

Troisième Partie.—*De la Compétence de la Skoupchtina Nationale.*

71. Le pouvoir législatif est exercé par la Skoupchtina et le Prince Gospodar.

72. Sont de la compétence de la Skoupchtina Nationale toutes les questions que lui réserve la Constitution, et celles que le Prince lui soumet à titre spécial par l'intermédiaire du Gouvernement.

73. Aucune loi ne peut être ni promulguée, ni abrogée, ni modifiée, ni considérée comme obligatoire sans le consentement de la Skoupchtina Nationale.

74. Les ordres relatifs à la mise en vigueur des lois, de même que ceux que promulgue le Prince Gospodar en vertu de son droit suprême de souveraineté et de contrôle, sont donnés par le pouvoir exécutif.

L'approbation de la Skoupchtina doit être mentionnée dans chaque décret de promulgation de loi. Les décrets pour la mise en vigueur des lois doivent faire mention de la loi dont ils dérivent.

75. Si dans l'intervalle des sessions parlementaires la sécurité de l'État venait d'être menacée par des dangers extérieurs ou intérieurs, le Prince Gospodar aurait le droit de prendre, sur la proposition du Conseil des Ministres, toutes les mesures nécessaires à la sauvegarde du pays; ses décisions auront force de loi. Ces lois extraordinairement promulguées seraient à sa première réunion notifiées à la Skoupchtina.

76. Les lois et les décrets promulgués par le Prince Gospodar en vertu des Articles 74 et 75 de la présente Constitution sont également obligatoires pour tous les citoyens et pour toutes les autorités.

77. Aucun impôt ou contribution, direct ou indirect, ne peut être, en aucun cas, établi ni notifié sans l'approbation de la Skoupchtina.

78. Le Gouvernement peut faire à la Skoupchtina et la Skoupchtina peut faire au Gouvernement toute proposition relative à la création d'une nouvelle loi, ou à la modification, ou complé-

ment, ou l'interprétation d'une loi déjà existante, mais les projets définitifs ne peuvent être présentés que par le Gouvernement. Le Gouvernement seul peut soumettre à la Skoupchtina la proposition d'octroyer un don, une récompense ou une subvention.

79. Les Ministres ont le droit d'assister aux séances de la Skoupchtina. Ils peuvent prendre part à toutes les discussions à l'ordre du jour, ont la parole sur leur demande, et possèdent le droit de parler, en dernier ressort, après la clôture de la discussion.

80. Le Prince Gospodar peut déléguer, sur la proposition d'un Ministre, les Commissaires du Gouvernement, qui pourront intervenir dans les discussions de la Skoupchtina Nationale, soit en remplacement du dit Ministre, soit avec lui, et donner à la Skoupchtina les éclaircissements qu'elle pourrait réclamer.

Ces Commissaires jouissent dans le cas des mêmes droits que les Ministres.

81. Ni les Ministres ni les Commissaires n'ont droit de vote s'ils ne sont Députés.

82. La Skoupchtina est obligée de délibérer d'abord sur les projets soumis par le Gouvernement, et en premier lieu le Budget.

Le Gouvernement de son côté étudiera, le plus tôt possible, les propositions que la Skoupchtina lui aura indiquées comme urgentes.

83. Toute proposition émanant du Gouvernement ou des Députés, et en général tout projet, avant d'être porté en discussion doit être déferée à une des Commissions Parlementaires.

84. Les Commissions sont tenues, avant de soumettre leur rapport à la Skoupchtina, d'entendre les observations du Ministre ou du Commissaire du Gouvernement.

85. Le Gouvernement est toujours obligé de fournir aux Commissions sur leur demande les éclaircissements nécessaires.

86. La Skoupchtina a le droit d'inviter elle-même les Ministres ou leurs Commissaires à lui donner les explications nécessaires. Ceux-ci sont tenus à les donner dans tous les cas, excepté celui où cette communication pourrait être nuisible aux intérêts du pays, concernerait un secret d'État, ou porterait préjudice par sa divulgation prématurée aux intérêts du Monténégro.

87. Le Gouvernement peut retirer un projet soumis à la Skoupchtina tant que celle-ci ne l'a pas voté définitivement.

88. Si la Skoupchtina vote un projet en y ajoutant des amendements ou des compléments rejetés par le Gouvernement, celui-ci peut, ou le retirer complètement ou le représenter à la même Skoupchtina soit en modifiant les motifs, soit en changeant le projet lui-même.

89. Si la Skoupchtina rejette un projet, le Gouvernement peut le soumettre à la même Skoupchtina après l'avoir modifié ou se

réserver de le présenter à la prochaine Skoupchtina dans sa forme primitive.

90. La Skoupchtina ne peut faire dépendre le vote du Budget d'aucune question n'ayant pas de corrélation avec lui.

91. La Skoupchtina soumet le Budget, dès qu'elle l'a voté, à l'approbation du Prince Gospodar.

Si la Skoupchtina Nationale estime que les sommes demandées au Budget sont susceptibles d'être diminuées ou supprimées, elle motivera sa proposition en énumérant les chapitres sur lesquels des économies sont possibles sans nuire aux intérêts de l'État.

92. Le Gouvernement examinera en détail les propositions que lui soumettra la Skoupchtina en vertu de l'Article 91, et en tiendra compte tant que faire se pourra, sans que cela puisse nuire aux intérêts de l'État.

Si les amendements proposés par la Skoupchtina ne sont pas agréés par le Gouvernement et si les explications du Gouvernement ne satisfont pas d'autre part la Skoupchtina, de même que si la Skoupchtina est ajournée avant la votation du Budget, le Budget de l'année précédente est applicable pour l'année en cours. Dans ce cas le Prince Gospodar promulguera une ordonnance, contresignée de tous les Ministres, laquelle aura force de loi.

93. L'État ne peut contracter un emprunt sans le consentement de la Skoupchtina.

Si des circonstances extraordinaires et urgentes nécessitaient l'émission d'un emprunt, la Skoupchtina doit être convoquée en session extraordinaire. Si les circonstances ne permettent pas de convoquer la Skoupchtina en session extraordinaire, le Prince Gospodar peut, sur la proposition du Conseil des Ministres et d'accord avec le Conseil d'État, contracter un emprunt d'État jusqu'à concurrence de 200,000 couronnes. Par la même procédure le Prince Gospodar peut, en cas d'urgence, ordonner au trésor d'effectuer un paiement non prévu constitutionnellement jusqu'à concurrence de 50,000 couronnes.

Dans les deux cas le Gouvernement notifiera à la Skoupchtina, dès la première session ordinaire, l'exposé de ces actes et fera part des raisons qui ont dicté sa manière de faire.

94. Chaque décision de la Skoupchtina Nationale doit être sanctionnée par le Prince Gospodar et autant que possible au cours de la même session.

95. La Skoupchtina a le droit de faire des enquêtes au sujet de questions électorales et purement administratives.

96. La Skoupchtina peut recevoir les réclamations écrites relatives à des affaires déjà réglées par les Ministres compétents, mais elle ne peut accorder d'audience aux plaignants.

La Skoupchtina n'admet que les suppliques écrites.

97. Le Député est irresponsable en ce qui concerne sa participation aux travaux de la Skoupchtina. Aucun compte ne peut, à aucune époque, lui être demandé au sujet des votes qu'il a émis à la Skoupchtina.

Si un Député offense dans ses discours à la Skoupchtina un ou plusieurs de ses membres, le Président a le droit et le devoir de suspendre la séance pendant une demie journée. Dans la séance suivante le Président proposera à la Skoupchtina l'exclusion temporaire du coupable.

Si un Député emploie à la Skoupchtina des expressions contenant contre qui ce soit des offenses considérées par le Code Pénal comme étant des délits ou de contraventions, le Député peut être dénoncé au Tribunal compétent, mais sur l'autorisation de la Skoupchtina.

98. Pendant la durée de la session et les cinq jours qui la précèdent les Députés ne peuvent être ni emprisonnés ni déférés aux Tribunaux.

99. Aucune autorité ne peut au cours de la session parlementaire convoquer un Député ni l'emprisonner si la Skoupchtina n'autorise une enquête contre lui. Exception faite pour le flagrant délit de crime.

100. Si un Député est pris en flagrant délit de crime au cours de la session parlementaire il peut être arrêté, mais il faut en informer immédiatement la Skoupchtina, et on ne pourra intenter au délinquant aucune action avant que la Skoupchtina n'ait décidé s'il y a lieu de procéder contre lui.

101. Les Députés ne peuvent se réunir en séance de la Skoupchtina que sur l'invitation du Prince Gospodar. Ils ne peuvent continuer leurs discussions lorsque les séances sont levées ou remises, ou lorsque la Skoupchtina est dissoute.

102. Les Députés qui ne résident pas dans la ville où est convoquée la Skoupchtina reçoivent du trésor de l'État des frais de voyage et une indemnité journalière prévus par une loi spéciale.

103. Une loi spéciale réglementera les travaux de la Skoupchtina.

Quatrième Partie.—*Des Ministres.*

104. Le Prince Gospodar nomme et révoque les Ministres.

105. Le Conseil des Ministres préside à l'administration de l'État. Il est soumis directement au Prince Gospodar.

106. Le Conseil des Ministres est composé des Ministres nommés pour les différentes branches de l'administration de l'État. Le Prince Gospodar en choisit un parmi ceux-ci comme Président du Conseil.

107. Les Ministres jurent devant le Prince Gospodar de lui être fidèles et d'observer consciencieusement la Constitution et les lois du pays.

108. Les Ministres sont responsables pour les actes officiels vis-à-

vis du Gospodar et de la Skoupchtina Nationale. Tout acte officiel signé par le Prince Gospodar doit être contresigné par le Ministre compétent.

109. Seul un citoyen Monténégrin peut être Ministre.

110. Les Ministres démissionnaires peuvent être maintenus à la disposition du Gouvernement Princier tout au plus pendant un an ; si, à l'expiration de cette époque, ils n'acceptent plus le poste qu'ils occupaient avant d'être nommés Ministres, ou une situation analogue, ils peuvent être mis en retraite, après avoir complété au service de l'État le minimum d'années prescrites par la loi sur les fonctionnaires civils.

Les Ministres démissionnaires qui, avant d'être Ministres, n'avaient pas été au service de l'État, peuvent obtenir une situation donnant un traitement de 4,000 couronnes. Si un poste de cette importance n'est pas vacant, ils auront droit à une pension correspondante à la dite situation, à la condition qu'ils aient été Ministres le minimum d'années prescrites par la loi sur les fonctionnaires civils.

111. Un Ministre peut être mis en accusation—

(1.) S'il commet un acte de trahison contre la patrie ou le Souverain ;

(2.) S'il viole la Constitution ;

(3.) S'il se laisse suborner ;

(4.) Si, par cupidité, il cause des dommages à l'État ; et

(5.) S'il viole les lois dans les cas prévus par la loi sur la responsabilité ministérielle.

112. Les Ministres peuvent être mis en accusation par le Prince Gospodar et par la Skoupchtina ;

La proposition de mise en accusation d'un Ministre doit être écrite et contenir les chefs de l'accusation. Si c'est le Prince Gospodar qui accuse le Ministre, le Président du Conseil des Ministres soumet l'acte d'accusation à la Skoupchtina ; si c'est la Skoupchtina qui est accusatrice, l'acte d'accusation doit être signé d'un tiers au moins de Députés.

113. Le droit de porter plainte contre un Ministre dure cinq ans à partir du jour où il a commis l'acte qui lui est reproché.

114. Les deux tiers de tous les Députés présents à la Skoupchtina sont nécessaires pour la mise en accusation d'un Ministre.

115. Le Ministre mis en état d'accusation est jugé par un Tribunal composé des membres du Conseil d'État et du Tribunal Suprême.

116. Le Prince Gospodar ne peut gracier un Ministre condamné, ni suspendre une enquête commencée, que sur la proposition de la Skoupchtina.

117. Une loi spéciale fixera les différentes cas de responsabilité ministérielle, les peines applicables à leurs délits et la procédure.

Cinquième Partie.—*Du Conseil d'État.*

118. Le Conseil d'État se compose de six membres.

Les membres du Conseil d'État sont nommés par le Prince Gospodar, qui en nomme aussi le Président. Celui-ci reste en charge tant que le Prince Gospodar ne le remplace pas.

119. Les Conseillers d'État doivent être sujets Monténégrins, avoir 35 ans accomplis, avoir suivi un cours régulier d'études à une faculté étrangère ou à une école supérieure spéciale assimilée à une faculté et avoir passé dix ans au service de l'État à moins qu'ils n'aient été Ministres.

120. Le Conseil d'État a les fonctions suivantes :—

(1.) Étudier les projets des lois que le Gouvernement soumet à la Skoupchtina et donner son avis.

(2.) Donner au Gouvernement ses appréciations sur les affaires qu'il lui soumet.

(3.) Délibérer sur les réclamations contre les décisions ministérielles dans les questions administratives en contestation.

Les décisions du Conseil d'État sont obligatoires pour les Ministres.

(4.) Résoudre les conflits entre les différentes autorités administratives et les autorités administratives et judiciaires.

(5.) Juger en qualité de Tribunal disciplinaire les fonctionnaires d'État.

(6.) Approuver les paiements partiels effectués sur un crédit général fixé par le Budget pour un besoin extraordinaire, ainsi que les virements opérés pour subvenir à des travaux publics.

(7.) Approuver la naturalisation d'un étranger à titre exceptionnel.

(8.) Approuver les arrangements intervenus entre l'État et les particuliers et qui seraient considérés comme utiles à l'État.

(9.) Approuver les emprunts d'État et les crédits extraordinaires dans les cas prévus par l'Article 93 de la présente Constitution.

(10.) Délibérer sur les déclamations émises contre les décrets violant les droits des particuliers garantis par la loi. Si le décret lèse un intérêt de l'État matériellement en faveur des particuliers, le contrôle général de l'État a le droit de porter plainte devant le Conseil d'État au nom de l'État.

(11.) Délibérer sur les réclamations contre les décisions ministérielles dans les questions où le Ministre n'est pas compétent ou dépasse sa compétence.

(12.) Décider sur la vente d'immeubles appartenant aux départements, aux arrondissements, et aux communes.

(13.) Décider de l'abandon des créances irrécouvrables.

(14.) Réclamer au contrôle général de l'État des rapports sur la comptabilité de l'État.

(15.) Décider sur les réclamations portées contre les décisions du contrôle général de l'État ; et

(16.) Exécuter les affaires qui lui sont réservées d'après les lois.

121. Une loi spéciale réglementera les travaux du Conseil d'État.

Sixième Partie.—*De l'Armée.*

122. Tout sujet Monténégrin est astreint au service militaire.

123. Une loi spéciale établit l'âge auquel on doit le service militaire, la manière de servir et les exemptions, de même que les grades existant dans l'armée et la manière de gagner et de perdre les dits grades.

124. Une loi spéciale établit l'organisation de l'armée dont la formation est fixée par le Prince Gospodar par un règlement.

125. Le Prince Gospodar établit par un règlement les instructions sur la discipline militaire et les punitions disciplinaires.

126. Les soldats, les sous-officiers et les officiers en activité de service sont, pendant leur présence sous les drapeaux, jugés par les Tribunaux Militaires, mais seulement pour les actions pénales.

127. Une loi spéciale établira la composition, l'organisation et la compétence des Tribunaux Militaires.

Septième Partie.—*De l'Église, des Écoles, et des Instituts de Bienfaisance.*

128. Toutes les confessions religieuses reconnues par l'État ont le droit d'exercer leur culte librement et publiquement.

129. L'administration intérieure de l'Église Orientale Orthodoxe appartient soit à la Métropole Monténégrine, soit au Synode Épiscopal.

L'administration des affaires ecclésiastiques intérieures de l'Église Catholique appartient à l'Archevêché d'Antivari.

L'administration intérieure de la confession religieuse Musulmane appartient au Mufti Monténégrin.

130. Les autorités spirituelles de toutes les confessions religieuses reconnues par l'État sont soumises à la surveillance du Ministère de l'Instruction et des Cultes.

131. L'organisation des autorités ecclésiastiques et de la faculté théologique de l'Église Orientale Orthodoxe est établie par une loi, sur la base d'une entente entre le Ministre de l'Instruction et le Synode Épiscopal.

132. Les autorités ecclésiastiques jugent le clergé pour les délits

qu'il commet dans l'exercice de ses fonctions sacerdotales, exception faite pour les délits ressortissant du Code Pénal.

133. Les religieux et les institutions ecclésiastiques sont soumis aux lois du pays en ce qui concerne leurs rapports civils et leurs biens; pour ce qui concerne l'organisation intérieure et l'administration, elles doivent s'en tenir au statut que le Gouvernement doit approuver.

134. Les réclamations contre les abus des autorités spirituelles de toutes les confessions religieuses reconnues par l'État doivent être présentées au Ministère de l'Instruction et des Cultes.

135. La correspondance des autorités spirituelles de l'Église Orientale Orthodoxe avec les autorités ecclésiastiques et Synodes étrangers doit être autorisée par le Ministre de l'Instruction et des Cultes.

La correspondance des autres confessions religieuses avec les autorités spirituelles étrangères doit être soumise à l'approbation du Ministre de l'Instruction et des Cultes.

136. Tout acte dirigé contre l'Église Orientale Orthodoxe (prosélytisme) est défendu.

137. Aucune autorité spirituelle ne peut publier et exécuter au Monténégro les actes officiels et les ordres des autorités spirituelles, Conciles, et Synodes étrangers sans l'autorisation du Ministre de l'Instruction et des Cultes.

138. L'instruction primaire est obligatoire et gratuite dans les écoles publiques.

139. Toutes les écoles publiques et privées, toutes sociétés littéraires et scientifiques, et les autres instituts scientifiques, sont soumis à la surveillance du Ministre de l'Instruction Publique et des Cultes.

140. Les instituts de bienfaisance et les œuvres ayant un but ecclésiastique ou scientifique, fondés par les particuliers, doivent être approuvés par l'autorité. Leurs biens et leurs fondations ne peuvent pas être considérés comme biens de l'État, et ne peuvent être destinés à d'autres buts qu'à ceux pour lesquels ils ont été établis.

141. Le clergé de l'Église Orientale Orthodoxe a son propre fond, fondé par les prélèvements effectués sur le traitement et dont il perçoit sa retraite conformément au statut existant.

Huitième Partie.— *De l'Autorité Judiciaire.*

142. Les Juges sont indépendants.

La justice est exercée au nom du Prince Gospodar.

143. Il existe des Tribunaux d'Arrondissement, de Département, et le Tribunal Suprême.

144. Dans les villes désignées par la loi, l'autorité judiciaire d'arrondissement de première instance est exercée par les Tribunaux Communaux.

145. Tous les Juges sont nommés par le Prince Gospodar.

Ils ne peuvent être transférés, licenciés, mis à la retraite qu'en vertu de la loi relative aux Magistrats.

146. Les Tribunaux jugent et rendent leurs jugements conformément aux lois du pays.

147. La loi n'a pas d'effet rétroactif au détriment des droits acquis par les lois antérieures.

148. Un Tribunal ou une autorité judiciaire ne peut être établi qu'en vertu d'une loi.

149. Aucun Tribunal ne peut intenter une action quelconque, s'il n'est compétent.

150. Les débats sont publics, exception faite pour le cas où la Cour trouvera nécessaire de prononcer le huis clos pour cause de morale ou d'ordre public.

151. Chaque sentence ou décision doit être motivée par les dispositions de la loi sur laquelle elle se base.

152. Tout accusé doit avoir un défenseur depuis le moment où il a été mis en état d'accusation. S'il ne le choisit pas lui-même, le Tribunal lui en constitue un d'office.

153. Des consanguins en ligne droite à tel degré que ce soit, en ligne latérale jusqu'à la quatrième génération (huit degrés), et par affinité jusqu'à la seconde génération (quatre degrés), ne peuvent servir en même temps dans le même Tribunal ni juger dans la même affaire.

154. Seul peut être Juge un sujet Monténégrin ayant fini régulièrement ses études dans une faculté de droit, abstraction faite des autres conditions voulues par la loi.

Pour être Juge dans un Tribunal départemental, il faut avoir 25 ans accomplis et avoir servi deux ans dans l'Administration Judiciaire; pour faire partie du Tribunal Suprême il faut avoir 30 ans accomplis. Pour être Président d'un Tribunal départemental il faut avoir servi au moins quatre ans en qualité de Juge d'un Tribunal départemental ou en qualité de Secrétaire au Ministère de la Justice ou du Tribunal Suprême. Pour être Président et membre du Tribunal Suprême il faut avoir servi au moins six ans en qualité de Juge d'un Tribunal départemental.

Neuvième Partie.—*Des Finances de l'État.*

155. Chaque sujet Monténégrin est redevable à l'État des impôts et des contributions, qui se payent proportionnellement à la fortune.

156. Le Prince Gospodar et les membres de la maison régnante ne payent ni impôt ni contribution.

157. Personne ne peut être exempté de payer les impôts et les contributions excepté dans les cas prévus par la loi.

158. La Skoupchtina approuve tous les ans le Budget, qui n'est valable que pour un an.

159. Le Budget doit être soumis à la Skoupchtina dès le commencement de la session. On soumettra en même temps à la Skoupchtina le bilan de l'année précédente.

160. Tous les revenus et dépenses doivent être enregistrés dans le Budget final.

161. Si la Skoupchtina n'a pu approuver le nouveau Budget avant le commencement de l'année budgétaire, elle prolongera temporairement le Budget de l'année écoulée, jusqu'à ce que le nouveau Budget soit voté.

162. Si la Skoupchtina est dissoute ou ajournée avant qu'elle ait voté le Budget, le Budget de l'année en cours est valable également pour l'année suivante.

Dixième Partie.—*Des Biens de l'État.*

163. Les biens de l'État sont formés de tous les biens immeubles et meubles, et de tous les droits de propriété que l'État acquiert et conserve.

164. Les biens de l'État ne peuvent être aliénés, engagés, ou hypothéqués qu'avec le consentement de la Skoupchtina.

165. Le droit de monopole appartient à l'État. Il peut transmettre ce droit à d'autres, mais seulement pour une époque déterminée et par une loi.

166. Les mines sont la propriété de l'État dans une proportion établie par les lois.

167. Les concessions, de quelque nature qu'elles soient, ne sont accordées que pour une époque déterminée et par une loi spéciale.

168. Les biens de l'État sont administrés par le Ministre des Finances conformément aux dispositions des lois.

169. Il faut distinguer les biens de l'État des biens privés du Prince Gospodar. Le Prince Gospodar dispose librement de ses biens pendant sa vie et à sa mort. L'alinéa 2 de l'Article 2 de la présente Constitution n'est pas applicable aux biens du Prince Gospodar.

Onzième Partie.—*Du Contrôle Général de l'État.*

170. Le Contrôle Général de l'État est établi pour la revision des comptes. Il constitue une autorité spéciale et une Cour des Comptes.

171. Le Contrôle Général de l'État a un Président et deux membres.

Le Président et les membres du Contrôle Général de l'État sont choisis par la Skoupchtina parmi les candidats que lui propose le Conseil d'État en nombre double des postes vacants.

172. Pour être Président ou membre du Contrôle Général de l'État il faut être sujet Monténégrin, avoir 30 ans accomplis, avoir suivi un cours régulier d'études dans une faculté ou dans une école spéciale supérieure assimilée à une faculté, et avoir passé dix ans au service de l'État, ou avoir été Ministre des Finances ; ou bien avoir servi en qualité de fonctionnaire supérieur dans l'Administration Financière et avoir au moins dix ans de service. Mais le Président ou un des membres du Contrôle doit avoir achevé régulièrement ses études dans une faculté de droit.

173. Le Contrôle Général de l'État examine, corrige et liquide les comptes de l'Administration de l'État et de tous ceux qui ont des comptes à rendre à la caisse de l'État.

Il veille à ce que l'on ne dépasse pas les crédits affectés par le Budget ; il clôture les comptes de toutes les Administrations de l'État et est tenu à recueillir toutes les pièces justificatives et les renseignements nécessaires.

174. Le Budget général de l'État est soumis à la Skoupchtina avec les observations du Contrôle Général de l'État, au plus tard deux ans après la fin de chaque année budgétaire.

175. Une loi spéciale régleme l'organisation et la compétence du Contrôle Général de l'État, de même que la formation de son personnel.

Douzième Partie.—*Des Communes et des Personnes Juridiques.*

176. Les communes ont leur autonomie conformément aux dispositions des lois.

177. Pour administrer les affaires des communes il y a : le Tribunal communal, la Commis on communale, et le Conseil communal.

178. Les élections communales sont directes.

179. Tout sujet Monténégrin majeur payant des impôts ou des contributions a droit de vote aux élections communales.

180. Les autorités communales, en dehors des affaires communales, sont obligées de s'occuper des affaires que la loi leur attribue concernant l'État.

181. Tout citoyen et tout bien immeuble doivent dépendre d'une commune et supporter toutes les charges communales.

182. La commune ne peut établir aucun impôt sans l'approbation du Conseil communal.

183. La commune ne peut contracter d'emprunt sans l'autorisation du Conseil communal.

184. Une loi établit dans quels cas l'approbation du pouvoir législatif ou du Gouvernement est nécessaire pour créer un impôt ou contracter un emprunt.

185. Les départements, les arrondissements et les communes peuvent posséder.

186. On ne peut pas créer une nouvelle commune ni modifier l'extension des communes déjà existantes sans l'approbation du pouvoir législatif.

187. Aucune personne juridique ne peut exister sans l'approbation de l'État.

188. Les personnes juridiques peuvent posséder les biens qui doivent supporter les charges de l'État et des communes.

189. Une loi spéciale régleme l'organisation et la compétence des autorités communales, et les rapports existant entre elles et les autorités de l'État.

Treizième Partie.—*Du Service de l'État.*

190. Tous les sujets Monténégrins ont les mêmes droits à tous les emplois dans toutes les branches du service de l'État, pourvu qu'ils satisfassent aux conditions prescrites par la Constitution et les lois.

Les sujets étrangers ne peuvent être acceptés au service de l'État que sur la base d'un contrat.

191. Pour la nomination et l'avancement des fonctionnaires il faut prendre en considération leur conduite, leurs aptitudes et leurs connaissances.

192. Tout fonctionnaire est responsable pour ce qui concerne ses actes officiels.

193. Les fonctionnaires, au moment d'entrer au service de l'État, jurent d'être fidèles et obéissants au Prince Gospodar et d'observer consciencieusement la Constitution et les lois.

194. La loi régleme les emplois, les traitements des fonctionnaires et la hiérarchie dans le service de l'État.

195. Les fonctionnaires ont droit à une retraite.

La loi établit à quelles conditions un fonctionnaire peut avoir droit à la retraite et être mis à la retraite.

Il existe un fond spécial, formé des prélèvements sur les traitements des fonctionnaires, qui assure la pension des fonctionnaires, de leurs veuves et de leurs enfants.

Si ce fond est insuffisant, le Trésor suppléerait au déficit.

Quatorzième Partie.—*Des Droits Constitutionnels des Citoyens Monténégrins.*

196. Tous les citoyens Monténégrins sont égaux devant la loi.

197. La Constitution garantit à chacun la liberté personnelle.

198. Aucune action ne peut être intentée contre qui que ce soit, sauf dans les cas prévus par la loi.

199. Nul ne peut être arrêté ni privé de la liberté, excepté dans les cas et suivant les dispositions prévus par la loi.

200. Nul ne peut être jugé sans avoir été entendu ou appelé par la voie légale à se défendre.

201. Nul ne peut être jugé par un Tribunal incompetent.

202. Les peines ne peuvent être établies que par la loi et appliquées que pour les actes punissables d'après la loi.

203. La peine capitale pour les délits purement politiques est abolie.

Sont exceptés les attentats contre la personne du Prince Gospodar et contre les membres de la maison régnante.

Sont en outre exceptés les cas où le délit purement politique est accompagné d'une action passible, d'après la loi, de la peine capitale, et les cas punis de la peine de mort par la loi militaire.

204. Le domicile des citoyens Monténégrins est inviolable.

L'autorité ne peut faire de perquisitions au domicile que dans le cas et de la manière prévus par la loi.

205. La peine de la confiscation des biens est interdite; seuls sont saisissables les objets qui sont du produit d'une action punissable, ont servi, ou étaient destinés à perpétrer cet acte punissable.

206. La propriété de quelque nature qu'elle soit est inviolable.

207. Personne ne peut être obligé à céder sa propriété pour les besoins publics; le droit de propriété ne peut être limité que dans les cas permis par la loi moyennant une indemnité.

208. La liberté de conscience est illimitée.

Les confessions religieuses reconnues sont libres et protégées par la loi en tant que l'exercice de leur culte n'offense pas l'ordre public et la morale.

209. Tout citoyen Monténégrin a le droit de manifester, dans les limites de la loi, ses idées par la parole, l'écriture, la presse et la gravure.

210. La presse est libre.

La censure, la caution et toute mesure préventive pouvant empêcher la sortie, la vente et la divulgation des écrits et des journaux sont interdits, sauf dans les cas prévus par la loi sur la presse.

211. Le secret épistolaire et télégraphique est inviolable, excepté en cas de guerre ou d'enquête judiciaire.

212. Les citoyens ont le droit de se réunir en paix suivant la loi.

213. Les citoyens ont le droit de réunion lorsqu'il s'agit de buts qui ne sont pas contraires aux lois.

214. Les citoyens ont le droit de porter plainte contre les procédés illégaux des autorités.

215. Tout citoyen est libre de renoncer à la nationalité Monténégrine après avoir fait son service militaire et s'être acquitté des devoirs qu'il peut avoir envers l'État ou des particuliers.

216. Les étrangers domiciliés sur le territoire Monténégrin jouissent de la protection des lois Monténégrines en ce qui concerne leur individualité et leurs biens.

Ils sont obligés de supporter les charges communales et de l'État, en tant que les Traités internationaux ne s'y opposent pas.

217. L'extradition n'est pas admise pour les délits purement politiques.

Quinzième Partie.—*De la Constitution de l'État.*

218. La Constitution ne peut être suspendue ni partiellement ni intégralement.

219. La proposition de modifier, compléter ou interpréter la Constitution ne peut être faite que par le Prince Gospodar ou la Skoupchtina.

Une telle proposition doit citer spécialement les Articles à modifier, compléter, ou interpréter.

220. Pour qu'une proposition de modification, complément ou interprétation de la Constitution soit adoptée, il faut qu'elle soit votée par deux tiers des Députés présents et que dans deux sessions régulières consécutives la Skoupchtina prenne la même décision.

221.—1. Jusqu'à la présentation des projets de loi prévus dans la présente Constitution, les lois actuelles restent en vigueur, en tant qu'elles ne sont pas en contradiction avec les dispositions de la présente Constitution.

2. Le Gouvernement Princier préparera sur la base de la présente Constitution les projets des lois les plus nécessaires, qui, discutés par le Conseil d'État et approuvés par le Prince Gospodar, auront force des lois provisoires, jusqu'à ce que la Skoupchtina les ait discutés et votés dans ses sessions ordinaires.

3. Le Gouvernement Princier élaborera d'abord :

(1.) Un projet de loi sur les élections des Députés applicables seulement aux élections pour la première période parlementaire ;

(2.) Un projet de loi sur le règlement intérieur de la Skoupchtina ;

(3.) Un projet de loi sur la responsabilité ministérielle.

Ces trois projets, soumis à la discussion du Conseil d'État et

sanctionnés par le Prince Gospodar, entreront en vigueur provisoirement jusqu'à la première session ordinaire de la Skoupechtina.

(4.) Le Conseil d'État est supprimé dans sa forme actuelle, et le Prince Gospodar peut nommer le Président et les Membres de Conseil d'État sans égard aux dispositions de la présente Constitution. Le Conseil d'État ainsi constitué exercera les fonctions prévues par la présente Constitution au plus tard jusqu'à la fin de la seconde période parlementaire ordinaire. Alors on procédera à la nomination du Président et des Membres du Conseil d'État conformément aux Articles 118 et 119 de la présente Constitution.

(5.) Le Tribunal Suprême et les Tribunaux Départementaux seront complétés, en cas de besoin, sans égard aux dispositions de la présente Constitution, au plus tard jusqu'à la fin de la seconde période parlementaire ordinaire. Après cette époque, ceux qui n'auront pas les qualifications prévues par la présente Constitution ne pourront plus exercer leurs fonctions.

(6.) La nomination du Président et des Membres du Contrôle Général de l'État doit être effectuée conformément aux dispositions de la présente Constitution, avant la fin de la seconde période parlementaire au plus tard.

(7.) Les lois suivantes seront soumises à la Skoupechtina dans sa première session ordinaire :—

La Loi sur le Budget de l'État ;

La Loi sur le règlement intérieur de la Skoupechtina ;

La Loi sur la responsabilité ministérielle ;

et autres absolument nécessaires pour l'entrée en vigueur de la présente Constitution.

222. La présente Constitution entre en vigueur le $\frac{6}{19}$ Décembre, 1905.

Nous ordonnons à tous nos Ministres de publier la présente Constitution et d'en surveiller l'observation, aux autorités de l'appliquer, et à tous et à chacun d'y obtempérer.

Cettigné, le jour de la Saint-Nicolas, 1905.

NICOLAS.

*AGREEMENT between Great Britain and the Netherlands, modifying the Agreement of ^{February 13}_{March 13} 1899, concerning the Telegraphic Correspondence between the Two Countries over the Direct Submarine Cables.—Signed at London, May 24, and at The Hague, May 30, 1905.**

THE State Telegraph Administration of the United Kingdom of Great Britain and Ireland and the State Telegraph Administration

* Signed also in Dutch.

of the Netherlands, subject to the approval of the respective Governments, if required, have agreed as follows:—

1. Article IV of the above-mentioned Agreement of the 13th February–13th March, 1899,* shall be modified as follows:—

The United Kingdom charges itself at the joint expense of the two countries with the care of the proper maintenance of the cables, and shall for this purpose keep at its disposal a suitable cable-ship and the necessary cable.

The Netherlands agrees to pay to the United Kingdom during the time that the cable-ship is in commission for the repair of the submarine cables such sums for hire of the cable-ship as shall from time to time be mutually agreed upon.

Moreover, the two countries shall pay in equal shares the further cost of cable, cable stores, coals, mooring, unmooring, pilotage, and dues, &c.

If at any time it should be necessary to hire a cable-ship in consequence of the cable-ships belonging to the British State Telegraph Administration not being available, the cost of hiring shall be borne equally by the two countries.

Done in duplicate and signed at London on the 24th May, 1905; and at The Hague on the 30th May, 1905.

(L.S.) STANLEY, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

(L.S.) G. J. C. POP, *Directeur-Generaal der Posteryen en Telegrafic.*

RULE respecting the Admission of Belligerent Ships of War into Norwegian Ports.—March 16, 1904.

(Translation.)

(A.) ON account of the state of war existing between Russia and Japan the right is reserved to forbid the war-ships of the belligerent parties, including military transports, admission to the following ports of war with the territorial waters adjoining thereto:—

The port of Fredrikshald.

The Christiania fjord inside Bastö.

The Tönsberg fjord inside Nakholmen, East Vakerholmen light, Mogerötangen light, Vallö light.

The ports of Christiansand with the waters inside Fredriksholm, Oxö light, Grønningen light, Torsö light.

The port of Bergen and the entrances thereto:—

(a.) Byfjorden inside Helteskjær-Stangen.

(b.) The northern entrance inside Herlö-Agnö-Bognö.

The Trondhjem fjord inside the fortifications of Agdenes.

The port of Vardö.

Exceptions are, however, made in the case of war-vessels in evident distress.

(B.) A copy of this Resolution and of the Report upon which the same is based are ordered to be transmitted to his Excellency the Minister for Foreign Affairs for the issue of the necessary intimations.

REGULATIONS respecting the Admission of Foreign Ships of War into Norwegian Ports.—April 23, 1904.

Dispositions relatives à l'Admission des Bâtiments de Guerre Étrangers dans les Ports Norvégiens, du 23 Avril, 1904.

1. SAUF autorisation spéciale, obtenue d'avance, aucun bâtiment de guerre étranger ne sera admis dans un port de guerre ou dans une station navale de la Norvège. Telle autorisation est dans la règle donnée par le Roi, mais dans des circonstances extraordinaires elle pourra aussi être accordée par le commandant compétent d'après les instructions générales données à cet effet par le département de la défense.

2. Sont actuellement considérées comme ports de guerre ou stations navales les parties suivantes de la côte Norvégienne:—

Le port de Fredrikshald.

Le fjord de Kristiania en deçà de Bastö.

Le fjord de Tönsberg en deçà de Natholmen et des phares d'Ostre Vakerholmen, de Mogerötangen, et de Vallö.

Le port de Kristianssand avec les eaux en deçà de Fredriksholm et des phares d'Oxö, de Grønningen, et de Torsö.

Le port de Bergen avec ses entrées:—

(a.) Byfjorden en deçà de Hjelteskjær-Stangen.

(b.) L'entrée du nord en deçà de Herlö-Agnö-Bognö.

Le fjord de Trondhjem en deçà des fortifications d'Agdenes.

Le port de Vardö.

3. L'entrée des ports ouverts du royaume est, en général, libre aux bâtiments de guerre des Puissances étrangères, avec la réserve

toutefois que, sauf autorisation spéciale, pas plus de trois bâtiments de guerre de la même Puissance pourront séjourner simultanément dans le même port ou sur la même rade, et que la durée de leur séjour ne pourra dépasser quatorze jours.

4. Sont exempts des stipulations des alinéas 1 et 3 les bâtiments de guerre qui se trouvent en détresse évidente, lesquels peuvent toujours entrer dans les ports du royaume.

Sont également exempts les navires à bord desquels se trouve un chef d'État étranger, ainsi que les bâtiments qui convoient un tel navire.

5. Tout bâtiment de guerre étranger, se trouvant dans un port ou sur une rade de la Norvège—même si, d'après les stipulations précédentes, il a le droit d'y séjourner—est tenu, après avis préalable, de lever l'ancre immédiatement et de quitter le port dans un délai de six heures, ainsi que de changer de mouillage selon les indications de qui de droit.

6. Il est défendu aux bâtiments de guerre étrangers de suivre dans les eaux territoriales Norvégiennes d'autres passes que celles ouvertes à la navigation en général.

7. Sauf autorisation spéciale, il est défendu au personnel de tout bâtiment de guerre étranger, séjournant dans un port Norvégien, d'entrer dans les rayons occupés par les batteries, fortifications, ou autres établissements militaires ou dans ceux clos par l'autorité militaire.

8. Sa Majesté le Roi se réserve, dans le cas d'une guerre à laquelle prendraient part les Royaumes Unis, ou dans le cas d'une guerre où les Royaumes Unis restent neutres, de faire telles modifications des dispositions précédentes qui seraient jugées désirables pour chaque occasion spéciale.

NOTES exchanged between Great Britain and Germany respecting the Alteration in the Line of Demarcation between their respective Spheres in the Western Pacific.—London, ^{March 7} _{May 9} 1904.

No. 1.—The Marquess of Lansdowne to Count Metternich.

YOUR EXCELLENCY,

Foreign Office, March 7, 1904.

I HAD the honour to receive your Excellency's note of the 23rd February, 1903, respecting the redelimitation of the British and German possessions in the Western Pacific. Your Excellency stated that the German Government agreed in the proposed alteration in

the description of point (a) in Article II of the draft Agreement, and suggested some small amendments in other parts of the draft.

I have the honour to inform you that His Majesty's Government agree to the additional changes proposed in your note, and I beg to inclose a printed copy of the English and German texts of the Agreement, in which the amendments and alterations concurred in by both Parties have been embodied.

On receiving from your Excellency an acknowledgment of this note His Majesty's Government will consider the inclosed text as accepted and binding.

I have, &c.,

LANSDOWNE.

(Inclosure.)—Supplement to the Declaration of the 6th April, 1886, relative to the Demarcation of the British and German Spheres of Influence in the Western Pacific.*

I.

ON the basis of the Anglo-German Agreement regarding Samoan and other questions, dated the 14th November, 1899†—Article II, section 3—the line of demarcation mentioned in Article II of the Declaration respecting the demarcation of the German and British spheres of influence in the Western Pacific, dated the 6th April, 1886,* shall be altered as follows:—

The new line of demarcation runs from point A in the above-mentioned Article II of the Declaration of the 6th April, 1886, to points (b), (c), (d), (e), (f), (g), and (h), as given in the accompanying maps, which points have the following positions:

(a.) 8° south latitude; 154° east of Greenwich.

(b.) 6° 55' 30'' south latitude; 155° 35' east of Greenwich.

I.

AUF Grund des deutsch-englischen Abkommens, betreffend Samoa und andere Fragen, vom 14. November, 1899†—Artikel II, Absatz 3—wird die in Artikel II der Erklärung, betreffend die Abgrenzung der deutschen und englischen Machtsphäre im Westlichen Stillen Ocean vom 6. April, 1886,* erwähnte Demarkationslinie, wie folgt geändert:

Die neue Demarkationslinie geht von dem in obengenannten Artikel II der Erklärung vom 6. April, 1886, genannten Punkt A zu den Punkten (b), (c), (d), (e), (f), (g), und (h), wie auf den beifolgenden Karten angegeben ist, welche Punkte folgende Lage haben:

(a.) 8° südlicher Breite; 154° östlich Greenwich.

(b.) 6° 55' 30'' südlicher Breite; 155° 35' östlich Greenwich.

* Vol. LXXVII, page 42.

† Vol. XCI, page 73.

(c.) $6^{\circ} 55' 30''$ south latitude;
 $155^{\circ} 42' 30''$ east of Greenwich.

(d.) $6^{\circ} 51'$ south latitude;
 $155^{\circ} 54' 30''$ east of Greenwich.

(e.) $6^{\circ} 41'$ south latitude;
 $156^{\circ} 2'$ east of Greenwich.

(f.) $6^{\circ} 38'$ south latitude;
 $156^{\circ} 2'$ east of Greenwich.

(g.) $4^{\circ} 50'$ south latitude;
 159° east of Greenwich.

(h.) $4^{\circ} 50'$ south latitude; about
 $163^{\circ} 34'$ east of Greenwich.

Points (b), (c), (d), (e), (f) are marked on the British Admiralty Chart No. 329 (South Pacific, Solomon Islands, and Bougainville Strait), and point (g) is marked on the German Admiralty Chart No. 100 (Pacific Ocean, New Guinea [eastern portion], Kaiser Wilhelmsland, Bismarck Archipelago, and Solomon Islands). Point (h) is identical with that point in which the parallel $4^{\circ} 50'$ south latitude cuts the line of demarcation mentioned in Article II of the Declaration of the 6th April, 1886, between points E ($8^{\circ} 50'$ south latitude; $159^{\circ} 50'$ east of Greenwich) and F (6° north latitude; $173^{\circ} 30'$ east of Greenwich).

II.

In case more accurate astronomical observations in the region represented on the said British Admiralty Chart No. 329 (Bougainville Strait) shall effect a shifting of the geographical positions of the coast-lines,

(c.) $6^{\circ} 55' 30''$ südlicher Breite; $155^{\circ} 42' 30''$ östlich Greenwich.

(d.) $6^{\circ} 51'$ südlicher Breite; $155^{\circ} 54' 30''$ östlich Greenwich.

(e.) $6^{\circ} 41'$ südlicher Breite; $156^{\circ} 2'$ östlich Greenwich.

(f.) $6^{\circ} 38'$ südlicher Breite; $156^{\circ} 2'$ östlich Greenwich.

(g.) $4^{\circ} 50'$ südlicher Breite; 159° östlich Greenwich.

(h.) $4^{\circ} 50'$ südlicher Breite; etwa $163^{\circ} 34'$ östlich Greenwich.

Die Punkte (b), (c), (d), (e), (f) sind bezeichnet auf der britischen Admiralitätskarte Nr. 329 (South Pacific, Solomon Islands, Bougainville Strait), und der Punkt (g) ist bezeichnet auf der deutschen Admiralitätskarte Nr. 100 (Stiller Ocean, Neu-Guinea [östlicher Theil], Kaiser Wilhelmsland, Bismarck-Archipel, und Salomon - Inseln). Punkt (h) ist identisch mit demjenigen Punkte, in welchem der Parallel $4^{\circ} 50'$ südlicher Breite die in Artikel II der Erklärung vom 6. April, 1886, genannte Demarkationslinie zwischen den Punkten E. ($8^{\circ} 50'$ südlicher Breite; $159^{\circ} 50'$ östlich Greenwich) und F. (6° nördlicher Breite; $173^{\circ} 30'$ östlich Greenwich) trifft.

II.

Für den Fall, dass spätere genauere astronomische Ortsbestimmungen in dem auf der obengenannten britischen Admiralitätskarte Nr. 329 (Bougainville Strait) dargestellten Gebiet eine Verschiebung der geogra-

the two Governments hereby agree in advance that for the fixing of the frontier points (*b*), (*c*), (*d*), (*e*), and (*f*) on the maps the following bearings of the said points shall hold good in relation to the neighbouring coast-points, while the provisions of Article I on the subject shall lapse :

Point (*b*) lies 8 nautical miles south 69° W. true from Komaleai Point, as marked on the map referred to.

Point (*c*) lies 3 nautical miles south true from Komaleai Point.

Point (*d*) lies 3 nautical miles south true from the southern point of the Peninsula, which bounds the harbour of Tonolai on the east.

Point (*e*) lies 4 nautical miles N. $70^{\circ} 30'$ E. true from Cape Friendship.

Point (*f*) lies 6 nautical miles N. 42° E. true from Cape Friendship.

phischen Positionen der Küstenlinien bewirken sollten, kommen beide Regierungen im Voraus dahin überein, dass alsdann für die Festlegung der Grenzpunkte (*b*), (*c*), (*d*), (*e*), und (*f*) auf den Karten, unter Wegfall der diesbezüglichen Bestimmungen des Artikels I folgende Beziehungen der bezeichneten Punkte zu benachbarten Küstenpunkten massgebend sein sollen :

Punkt (*b*) liegt 8 Seemeilen S. 69° W. rechtweisend von dem auf der erwähnten Karte verzeichneten Komaleai Point entfernt.

Punkt (*c*) liegt 3 Seemeilen südlich rechtweisend von Komaleai Point entfernt.

Punkt (*d*) liegt 3 Seemeilen südlich rechtweisend von der Südspitze der den Tonolai Hafen im Osten begrenzenden Halbinsel entfernt.

Punkt (*e*) liegt 4 Seemeilen N. $70^{\circ} 30'$ Ö. rechtweisend von Cap Friendship entfernt.

Punkt (*f*) liegt 6 Seemeilen N. 42° Ö. rechtweisend von Cap Friendship entfernt.

No. 2.—Count Bernstorff to the Marquess of Lansdowne.

(Translation.)

MY LORD,

German Embassy, London, May 9, 1904.

I DULY brought to the knowledge of the Imperial Government the contents of your Excellency's note of the 7th March last respecting the new boundary delimitation of the German and English possessions in the Solomon group.

Acting under orders of the Imperial Government, I have the honour to acknowledge herewith the receipt of that note.

I have, &c.,

J. BERNSTORFF.

SWISS NOTIFICATION of the Accession of Brazil to the Protocols signed at Madrid on the 14th and 15th April, 1891, relating to Industrial Property.—London, October 17, 1896.

M. de Salis to the Marquess of Salisbury.

Légation de Suisse à Londres,

M. LE MARQUIS,

le 17 Octobre, 1896.

SUR l'ordre de mon Gouvernement j'ai l'honneur de faire savoir à votre Seigneurie, que par note en date du 3 courant, la Légation des États-Unis du Brésil, à Berne, a transmis au Conseil Fédéral Suisse l'instrument de la ratification, par son Gouvernement, des quatre Protocoles signés à Madrid les 14 et 15 Avril, 1891, et concernant l'union pour la protection de la propriété industrielle, savoir:—

Protocole 1.—Arrangement concernant la répression des fausses indications de provenance sur les marchandises, du 14 Avril, 1891.*

Protocole 2.—Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce, du 14 Avril, 1891, avec protocole de clôture et règlement d'exécution élaboré par le bureau international.†

Protocole 3.—Dotation du bureau international, du 15 Avril, 1891.‡

Protocole 4.—Interprétation et application de la Convention du 20 Mars, 1883, du 15 Avril, 1891.§

Il convient cependant de vous faire observer que la ratification du Protocole 4 ci-dessus ne produira aucun effet, l'entrée en vigueur de cet acte étant subordonnée à la ratification unanime de ce dernier par les divers États contractants et certains d'entre eux ayant refusé de le ratifier.

En priant votre Seigneurie de vouloir bien prendre note de ce qui précède, je saisis, &c.

F. DE SALIS.

DECREE of the Brazilian Government raising to 2 per cent. Gold the Duty on the Official Value of Imports at Rio de Janeiro.—Rio de Janeiro, June 10, 1905.||

[No. 5553]

(Translation.)

THE President of the United States of Brazil, having regard to the necessity of providing the National Treasury with the means

* Vol. XCVI, page 837.

† Vol. XCVI, page 839.

‡ Vol. LXXXIII, page 676.

§ Vol. XCVI, page 843.

|| "Diario Official," June 13, 1905.

indispensable for meeting during the current financial year the increase in expenditure on account of payment of interest on the loan of 3,000,000*l.*, referred to in Decree No. 5551, of the 6th instant, contracted with the bankers MM. Rothschild and Sons of London, and authorized by Article 2, No. 4, first Part, of Law No. 1313 of 30th December, 1904, and Article 7, sole paragraph, No. 4 of Law No. 3314 of the 16th October, 1886, decrees:—

ART. 1. The tax on the official value of imports at the port of Rio de Janeiro shall be raised to 2 per cent. gold.

2. The said tax of 2 per cent. gold shall be collected by the Custom-house of this capital from the 15th instant, and registered under the heading of "Revenue destined for a special purpose—Port works of Rio de Janeiro."

Rio de Janeiro, June 10, 1905 (17th of the Republic).

FRANCISCO DE PAULA RODRIGUES
ALVES.

LEOPOLDO DE BULHOES.

KING'S REGULATIONS amending the Hankow British
Concession Land Regulations of 1902.†—February, 1905.*

*Amendment of the Hankow British Concession Land Regulations
of 1902.*

III A.

1. It shall be competent for such meeting as aforesaid, or the majority thereof, subject to the conditions hereinafter contained, to issue licences for the use of the Bund, or a portion thereof, for the mooring in front thereof of hulks and pontoons, or either of them, for the accommodation of steamers or other vessels trading to the port, and for the landing of cargo and passengers therefrom, and the shipping of cargo and passengers thereon (hereinafter referred to as "Bund Frontage Licences").

2. The issue of a Bund Frontage Licence and the terms thereof shall be subject to the approval of His Britannic Majesty's Consul-General, and no such licence shall be valid unless it is countersigned by him.

3. When applications have been made to a meeting of ratepayers

* Made under Articles 155 to 159 of "The China and Corea Order in Council, 1904." Vol. XCVII, pages 199 and 200.

† Vol. XCVI, page 1154.

for Bund Frontage Licences in excess of the number granted at such meeting, any applicant whose application has not been granted, may within ten days appeal to His Britannic Majesty's Consul-General who shall hear any representations which may be made to him by any of the applicants concerned, or by the Municipal Council, and shall decide to which of such applicants the licence shall be granted, and it shall be granted to such applicant accordingly.

4. These Regulations may be cited as "The Hankow Land Regulations Amendment Regulations, 1905."

REGULATIONS of Trade on the West River, issued by the Chinese Imperial Maritime Customs.—Canton, April 1905.

ART. 1. *Former Regulations rescinded.*—The Regulations of Trade on the West River hitherto in force are hereby abrogated.

2. *Ports, Stages, or Ports of Call, and Passenger Stations.*—The merchant-vessels of the Treaty Powers are authorized to trade on the West River at the following four Treaty ports:—

Canton (directly connected with the West River), Kongmoon, Samshui, and Wuchow.

Steamers are authorized to land and ship goods in accordance with regulations hereinafter set forth at the following six stages or ports of call:—

Kumchuk, Paktauahau, Shiuhing, Lotinghau, Takhing and Dosing,

and to land and ship passengers and their luggage at any of the following ten regular passenger stations:—

Yungki (in Tailung Channel), Mahning (in Junction Channel), Kaukong, Kulow, Wingon, Howlik, Lukpu, Yuetsing, Lukto, and Fungebuen (in West River).

Passenger's luggage must not contain articles subject to duty, and the presence of dutiable articles will render the whole liable to confiscation.

3. *Arms Certificate.*—Vessels proposing to trade on the West River must provide themselves with an Arms Certificate. This certificate, which is to be made out on a form supplied by the Customs and signed by the captain, must state the number of muskets, guns, swords, &c., and the quantity of ammunition carried for self-defence, and be produced for inspection and verification when required.

4. *Classes of Vessels.*—Merchant-vessels trading on the West River are to be divided into the following classes:—

(A.) *Steamers*—

1. Inland water steamers trading to permitted inland places.
2. Local river steamers running from Canton, Kongmoon, or Samshui to ports up river, without leaving Liang Kwang waters.
3. Foreign-going steamers from and to Hong Kong, Macao, &c., trading for the voyage up and down river.

(B.) Small craft, lorchas, papicos, junks, &c.

5. (A.) *Steamers.*—

(1.) Inland water steamers are to comply with the Inland Waters Steam Navigation Regulations.

(2.) Local river steamers, which do not leave Liang Kwang waters, but which running from Canton, Kongmoon or Samshui are to trade only at Treaty ports and ports of call, and take passengers to and from the authorized passenger stations, are to deposit their registers with their Consul, or (if consularly unrepresented), with the Customs at Canton, Kongmoon, or Samshui, where the Customs, on receipt of a Consular application or on deposit of her papers, will issue a certificate to the steamer to be called the "River Pass," on which shall be entered the steamer's name, flag, and registered tonnage, the said River Pass to be valid for the year during which issued, on expiry of which it must be either surrendered or renewed at the port of issue.

(3.) Foreign-going steamers, from and to Hong Kong, Macao, &c., proceeding to the West River must enter either by (a) Motomoon ("Broadway"), (b) Wangmoon, or (c) via Canton.

(a.) If entering by Motomoon they must report at the Malowchow station (Lappa Customs) and produce for inspection and verification a general import manifest of all cargo on board, showing destination. The Customs officials will inspect the vessel on arrival, note the quantity of arms, &c., on board, and issue the Kongmoon Pass, upon receipt of which the vessel will proceed direct and without anchoring, landing or shipping cargo or passengers, to Kongmoon, and surrender the pass. If proceeding further up the West River, steamers will deposit their registers with their Consul or (if consularly unrepresented) with the Customs. Upon receipt of the Consular Report, or on deposit of her papers, the Customs will issue a certificate to the steamer, to be called the "Special River Pass," on which shall be entered the steamer's name, flag, and registered tonnage, and without which she may not proceed to any Treaty port (the original port of entry excepted) port of call, or passenger station on the river. On return to Kongmoon, and when all dues and duties are either paid or accounted for, the Customs on surrender of the "Special River Pass," will issue a clearance which will entitle the

vessel to the return of her register and Kongmoon Pass. The vessel is then free to depart via the Motomoon (Broadway) or via the Wangmoon as provided for below (b). Proceeding via the Motomoon (Broadway) the Kongmoon Pass will be surrendered at the Malowchow station (Lappa Customs) where the general export manifest of all cargo on board will be produced for inspection and verification.

(b.) If entering by Wangmoon, steamers must report at the Wangmoon station and comply with the requirements set forth above (a). According to the destination declared, the "Kongmoon-Samshui Pass" will then be issued, upon receipt of which the vessel will proceed by the authorized route, direct and without anchoring, landing or shipping cargo or passengers, to the port indicated on the pass, where the latter will be surrendered. If proceeding elsewhere on the West River, steamers will deposit their registers with their Consul or (if consularly unrepresented), with the Customs. Upon receipt of the Consular Report, or on deposit of her papers, the Customs will issue a certificate to the steamer, to be called the "Special River Pass," on which shall be entered the steamer's name, flag, and registered tonnage, and without which she may not proceed to any Treaty port (the original port of entry excepted), port of call, or passenger station on the river. On return to the original port of entry, and when all dues and duties are either paid or accounted for, the Customs, on surrender of the "Special River Pass," will issue a clearance which will entitle the vessel to the return of her register and Kongmoon-Samshui Pass. The vessel is then free to depart via the Wangmoon or via the Motomoon (Broadway) as provided for above (a). Proceeding via the Wangmoon, the Kongmoon-Samshui Pass will be surrendered at the Wangmoon station, where the general Export Manifest of all cargo on board will be produced for inspection and verification.

(c.) If entering via Canton, vessels will proceed by the authorized Bogue route direct and without anchoring, landing or shipping cargo or passengers, and deposit their register with Consul or Customs at Canton in order to obtain the Special River Pass without which they may not proceed to any Treaty port, port of call, or passenger station on the West River, and the surrender of which on return, all dues and duties having either been paid or accounted for, will entitle them to Customs clearance and return of register.

(4.) Shipment and discharge of cargo by local river steamers and foreign-going steamers at any other points on the river than the Treaty ports and ports of call enumerated in Article 2 is prohibited, and any violation of this prohibition will be dealt with in accordance with the Treaty provisions applicable to clandestine trade along the coast.

(5.) Local river steamers and foreign-going steamers trading at the West River Treaty ports—Canton, Kongmoon, Samshui, and Wuchow—must report and clear and load and discharge cargo in the same manner as at other Treaty ports along the coast, and in accordance with the Customs Regulations of the river ports concerned.

(6.) Duty treatment of merchandize carried by local river steamers and foreign-going steamers :—

(A.) *Foreign Trade.*

Import duty shall be payable as follows :—

On cargo from abroad for—

(a.) A Treaty port—

At destination Treaty port.

(b.) A port of call—

At port of entry from abroad (Kongmoon, Samshui, or Canton).

Export duty shall be payable as follows :

On cargo for abroad from—

(a.) A Treaty port—

At port of shipment.

(b.) A port of call—

At port of clearance for abroad (Kongmoon, Samshui, or Canton).

(B.) *Domestic Trade.*

Export (full) and coast trade (half) duties shall be payable as follows :—

On cargo from—

(a.) Treaty port to Treaty port—

Full at port of shipment and half at port of discharge.

(b.) Treaty port to port of call—

If another Treaty port is to be passed *en route*, full and half at port of shipment; otherwise, full only at said port of shipment.

(c.) Port of call to Treaty port—

If another Treaty port has been passed *en route*, full and half at destination Treaty port; otherwise, full only at said port.

(d.) Port of call to port of call—

If a Treaty port is passed *en route*, full at said port in passing.

(7.) Tonnage dues are payable once every four months at the Treaty port first touched at after expiry of certificate.

(8.) Dues and duties are in general payable as at other Treaty ports, and re-exports and goods under transit certificates entitled to usual Customs treatment. Native goods if shipped to a Treaty port and subsequently re-exported to a foreign port within thirteen months, with no unauthorized change of package and marks, will be entitled to the refund of any customs duty paid in excess of one full export duty.

(9.) *Routes*.—The following are the authorized routes to the West River: Foreign-going steamers proceeding from the sea direct must either enter by—

(a.) The Motomoon (Broadway) route; or by

(b.) The Wangmoon route, taking the Sailan Channel and Junction Channel, and passing into the West River at Fist Cliffs.

Such steamers may also proceed (c) via Canton, in which case they will be required, together with local river steamers, to take the following route on leaving Canton, viz., Hill Passage, Saiwan Channel, Tailung Channel, and Junction Channel (British Admiralty Chart No. 2562), and enter the West River at Fist Cliffs. Returning abroad, or to Canton, the same routes are to be adhered to.

(10.) *Miscellaneous*.—The Customs officials will be at liberty to seal the hatches of vessels entering or trading on the West River, and seals must not be broken before the vessel reaches the next port or port of call at which she wishes to work cargo. Any trading vessel falling in with a Revenue cruiser or Customs boat, is to produce her papers for inspection, if examination of them is required, and Customs employes may be put on board vessels to search them or accompany them for the purpose of surveillance.

Penalties.—Vessels taking other than the prescribed routes into or out from the West River, or found in waters between Canton and Kongmoon, or the Bogue Passage and Kongmoon anywhere off the said routes, are liable to a fine not exceeding 500 taels. In the event of any vessel so found, or discovered anywhere on the West River and routes thereto inside Malowchow or Wangmoon stations, being without proper papers as provided for by the present Regulations, she will be dealt with under the Treaty Articles penalizing clandestine trade along the coast.

Foreign-going vessels bound out and failing to surrender the "Kongmoon-Samshui Pass" at Malowchow-Wangmoon, are liable to a fine not exceeding 100 taels.

Infringement of river port regulations by local river steamers, will be punished by the infliction of penalties in force at other Treaty ports. For a second offence the "River Pass" may be cancelled, and the steamer refused permission to trade on the West River. Unauthorized opening of sealed hatches or breaking of seals will entail liability to a fine not exceeding 500 Haikwan taels.

6. (B.) Small craft (lorchas, papicos, junks, &c.) entitled to trade at Treaty ports, but not at ports of call, nor at passenger stations on the West River.

(a.) Lorchas, &c., owned by foreigners, if provided with registers, and entitled to fly national flags, are required to take out a "Special River Pass" either through the Consulate or through the Customs direct at Kongmoon, Samshui, or Canton, if proceeding to other river Treaty ports: they will report, work cargo, pay duties, and observe all conditions as regards papers, routes, &c., and be subject to the same penalties for the infringement of rules and regulations as foreign-going steamers on the West River.

(b.) Papicos, &c., owned by foreigners but not provided with registers or entitled to fly national flags, are to take out Customs registers at the port they belong to, and report, work cargo, and pay duties in the same way as lorchas. They are subject to the same penalties for infringement of rules and regulations.

(c.) Chartered junks: Chinese junks chartered by foreigners must take out special junk papers at the Customs to be obtained in exchange for bonds executed at and deposited with the Customs, the condition of the bond being that cargoes are *bonâ fide* foreign property, and will be landed and pay duty at a Treaty port, and the penalty that if the cargo fails to be so landed and pay duty, no chartered junk will thereafter be cleared for the foreigner in question. Such junks to report, work cargo, observe all conditions, fulfil all requirements and pay duties in the same way as lorchas, papicos, &c.

The above Regulations are open to revision when and if necessary.

Custom House, Canton, April 1905.

*GENERAL ARBITRATION CONVENTION between
Denmark and the Netherlands.—Signed at Copenhagen,
February 12, 1904.*

[Ratifications exchanged at The Hague, March 8, 1906.]

SA Majesté la Reine des Pays-Bas et Sa Majesté le Roi de Danemark, s'inspirant des principes de la Convention pour le règlement pacifique des conflits internationaux conclue à La Haye le 29 Juillet, 1899,* et désirant consacrer notamment le principe de l'arbi-

* Vol. XCI, page 970.

trage obligatoire dans leurs rapports réciproques par un accord général de la nature visée à l'Article XIX de la dite Convention, ont résolu de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine des Pays-Bas : M. Jacob Dirk Carel Baron de Heeckeren de Kell, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Danemark, Chevalier de l'Ordre du Lion Néerlandais ;

Sa Majesté le Roi de Danemark : M. Johan Henrik Deuntzer, Président du Conseil de ses Ministres et son Ministre des Affaires Étrangères, Grand-Croix de l'Ordre du Danebrog et décoré de la Croix d'honneur du même Ordre, &c ;

Lesquels, après s'être communiqué leurs pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage tous les différends et tous les litiges entre Elles, qui n'auront pu être résolus par les voies diplomatiques.

II. Dans chaque cas particulier, les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial, déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres et les délais à observer, en ce qui concerne la constitution du Tribunal Arbitral et la procédure.

III. Il est bien entendu que l'Article I n'est pas applicable aux différends entre les ressortissants de l'un des États Contractants et l'autre État Contractant que les Tribunaux de ce dernier État seraient, d'après la législation de cet État, compétents de juger.

IV. Les États non-signataires pourront adhérer à la présente Convention. L'État qui désire adhérer notifiera son intention par écrit à chacun des États Contractants.

L'adhésion produira ses effets à partir de la date à laquelle l'État adhérent aura communiqué à chacun des États Contractants que tous ces États lui ont accusé réception de sa notification.

V. S'il arrivait qu'un des États Contractants dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit à chacun des autres États Contractants.

VI. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à La Haye.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Copenhague, le 12 Février, 1904.

(L.S.) CAREL VAN HEECKEREN.

(L.S.) DEUNTZER.

*PROTOCOL signed by the Governments of France and Equator additional to the Convention of the 9th May, 1898, respecting Artistic and Literary Copyright.—Quito, July 1, 1905.**

[Ratifications exchanged at Quito, August 29, 1907.]

Protocole.

LE Président de la République Française et le Président de la République de l'Equateur désirant préciser la portée de la Convention conclue, le 9 Mai, 1898,† entre les deux pays, pour la garantie réciproque de la propriété littéraire et artistique, ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française: M. Albert-Edouard-Marie-Louis Bobot-Descoutures, Consul-Général, Chargé d'Affaires de France en Equateur, Chevalier de l'Ordre National de la Légion d'Honneur, &c. ;

Le Président de la République de l'Equateur: Son Excellence M. Miguel Valverde, Ministre des Relations Extérieures de l'Equateur ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus d'ajouter à la dite Convention les Articles Additionnels suivants :—

ART. I. Les auteurs d'œuvres scientifiques, littéraires ou artistiques jouiront dans chacun des deux États du bénéfice des stipulations de l'Article I de la Convention du 9 Mai, 1898, ainsi que du traitement acquis à ceux de la nation la plus favorisée ; tout avantage en matière de propriété littéraire et artistique concédé par l'un des deux États Contractants à une tierce puissance par Traité, Convention ou autrement, sera dès lors, de plein droit, aux ressortissants de l'autre État.

II. Le présent arrangement additionnel sera ratifié à Quito aussitôt que faire se pourra et aura les mêmes effets et la même durée que la Convention à laquelle il est annexé.

En foi de quoi les Soussignés, savoir, le Chargé d'Affaires de France à Quito et le Ministre des Relations Extérieures de la République de l'Equateur, dûment autorisés à cet effet, ont dressé le présent arrangement et l'ont revêtu de leurs signatures et cachets.

Fait à Quito, en double exemplaire, le 1^{er} Juillet, 1905.

(L.S.) BOBOT-DESCOUTURES.

(L.S.) MIGUEL VALVERDE.

* "Journal Officiel" (Paris), November 24, 1907.

† Vol. XC, page 1172.

CONVENTION between France and Italy for the Mutual Protection of Workmen. — Signed at Rome, April 15, 1904.

[Ratifications exchanged September 21, 1904.]

SA Majesté le Roi d'Italie et le Président de la République Française désirant, par des accords internationaux, assurer à la personne du travailleur des garanties de réciprocité analogues à celles que les Traités de Commerce ont prévues pour les produits du travail, et particulièrement: (1) faciliter à leurs nationaux travaillant à l'étranger la jouissance de leurs épargnes et leur ménager le bénéfice des assurances sociales; (2) garantir aux travailleurs le maintien des mesures de protection déjà édictées en leur faveur et concourir au progrès de la législation ouvrière; ont résolu de conclure, à cet effet, une Convention et ont nommé pour leurs Plénipotentiaires:

Sa Majesté le Roi d'Italie: son Excellence M. Tommaso Tittoni, son Ministre des Affaires Étrangères; son Excellence M. Luigi Luzzatti, son Ministre du Trésor; son Excellence M. Luigi Rava, son Ministre de l'Agriculture de l'Industrie et du Commerce; son Excellence M. le Comte Enrico Stelluti Scala, son Ministre des Postes et des Télégraphes;

Le Président de la République Française: son Excellence M. Camille Barrère, Ambassadeur de France près Sa Majesté le Roi d'Italie; M. Arthur Fontaine, Directeur du Travail au Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes de France;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:—

ART. I. Des négociations seront engagées à Paris, après la ratification de la présente Convention, pour la conclusion d'arrangements fondés sur les principes énoncés ci-après et destinés à régler le détail de leur application—exception faite pour l'arrangement relatif à la Caisse Nationale d'Épargne de France et à la Caisse d'Épargne Postal d'Italie, prévu sous le paragraphe (a) ci-dessous, qui sera annexé à la Convention.

(a.) Les fonds versés à titre d'épargne, soit à la Caisse Nationale d'Épargne de France, soit à la Caisse d'Épargne Postale d'Italie, pourront, sur la demande des intéressés, être transférés sans frais de l'une des Caisses à l'autre, chacune de ces Caisses appliquant aux dépôts ainsi transférés les règles générales qu'elle applique aux dépôts effectués chez elle par les nationaux.*

Un régime de transfert, sur des bases analogues, pourra être

* See Arrangement of same date, page 461.

institué entre diverses caisses d'épargne privées de France et d'Italie, ayant leur siège dans de grandes agglomérations industrielles ou dans des villes frontières. Sans comporter la gratuité absolue des transferts, ce régime stipulera le concours des Administrations Postales, soit gratuit, soit à tarif réduit.

(b.) Les deux Gouvernements faciliteront, par l'entremise tant des Administrations Postales que des Caisses nationales, le versement des cotisations des Italiens résidant en France à la Caisse nationale de prévoyance d'Italie et des Français résidant en Italie à la Caisse nationale des retraites de France. Ils faciliteront, de même, le paiement en France des pensions acquises, soit par des Italiens, soit par des Français, à la Caisse Nationale Italienne, et réciproquement.

(c.) L'admission des ouvriers et employés de nationalité Italienne à la constitution de retraites de vieillesse et peut-être d'invalidité, dans le régime général des retraites ouvrières actuellement élaboré par le Parlement Français, ainsi que la participation des ouvriers et employés de nationalité Française au régime des retraites ouvrières en Italie, seront réglées aussitôt après le vote de dispositions législatives dans les pays contractants.

La part de pension correspondant aux versements de l'ouvrier ou employé, ou aux retenues faites sur son salaire, lui sera acquise intégralement.

En ce qui concerne la part de pension correspondant aux contributions patronales, il sera statué par l'arrangement, dans des conditions de réciprocité.

La part de pension à provenir éventuellement de subventions budgétaires sera laissée à l'appréciation de chaque État et payée sur ses ressources à ses nationaux ayant acquis une retraite dans l'autre pays.

Les deux États Contractants faciliteront, par l'entremise tant des Administrations Postales que de leurs caisses de retraite, le paiement en Italie des pensions acquises en France, et réciproquement.

Les deux Gouvernements étudieront, pour les ouvriers et employés ayant travaillé successivement dans les deux pays pendant des périodes minima à déterminer, sans remplir dans aucun des deux les conditions requises pour les retraites ouvrières, un régime spécial d'acquisition de retraite.

(d.) Les ouvriers et employés de nationalité Italienne, victimes en France d'accidents par le fait ou à l'occasion du travail, ainsi que leurs représentants résidant en France, auront droit aux mêmes indemnités que les Français, et réciproquement.

Les Italiens bénéficiaires de rentes cessant de résider en France, ainsi que les représentants de la victime qui ne résidaient pas en

France au moment de l'accident, auront droit à des indemnités à déterminer. Les capitaux constitutifs de ces indemnités, évalués d'après un Tarif annexé à l'arrangement, pourront être versés à la Caisse Nationale Italienne de prévoyance, à charge par elle d'assurer le service des rentes. La Caisse Nationale Italienne d'assurance contre les accidents du travail acceptera également, suivant Tarif conventionnel, pour le risque d'indemnité aux représentants ne résidant pas en France des ouvriers Italiens victimes d'accidents, les réassurances des assureurs Français désireux de se décharger éventuellement de toutes recherches et démarches à cet égard. Des avantages équivalents seront réservés, par réciprocité, pour les Français victimes d'accident du travail en Italie.

(e.) L'admission des ouvriers et employés Italiens, en France, à des institutions d'assurance ou de secours contre le chômage subventionnées par les pouvoirs publics, l'admission des ouvriers et employés Français, en Italie, aux institutions de même nature, seront réglées, le cas échéant, après le vote dans les deux pays de dispositions légales relatives à ces institutions.

(f.) Les arrangements prévus au présent Article seront conclus pour une durée de cinq années. Les deux Parties Contractantes devront se prévenir mutuellement, une année à l'avance, si leur intention est d'y mettre fin à l'expiration de ce terme. A défaut d'un tel avis, l'arrangement sera prorogé d'année en année, pour un délai d'un an, par tacite reconduction.

II.—(a.) Les deux Gouvernements détermineront, pour éviter les erreurs ou les fausses déclarations, la nature des pièces à présenter aux Consulats Italiens par les jeunes Italiens embauchés en France, ainsi que la forme des certificats à fournir aux mairies par les dits Consulats, avant délivrance aux enfants des livrets prescrits par la législation sur le travail des enfants. Les inspecteurs du travail se feront représenter les certificats à chaque visite; ils retireront les livrets indûment détenus.

(b.) Le Gouvernement Français organisera des comités de patronage comprenant, autant que possible, des Italiens parmi leurs membres, pour les régions industrielles où seront employé en grand nombre de jeunes Italiens logés en dehors de leurs familles par des intermédiaires.

(c.) Les mêmes mesures seront prises pour la protection des jeunes ouvriers Français en Italie.

III. Au cas où l'initiative serait prise par l'un des deux États Contractants, ou par l'un des États avec qui ils entretiennent des relations diplomatiques, de convoquer divers Gouvernements à une Conférence Internationale dans le but d'unifier, par des Conventions, certaines dispositions des lois protectrices des travailleurs, l'adhésion de l'un des deux Gouvernements au projet de Conférence entraîne-

rait, de la part de l'autre Gouvernement, une réponse favorable en principe.

IV. Au moment de signer cet accord, le Gouvernement Italien prend l'engagement de compléter l'organisation dans tout le royaume, et plus particulièrement dans les régions où le travail industriel est développé, d'un service d'inspection fonctionnant sous l'autorité de l'État et offrant, pour l'application des lois, des garanties analogues à celles que présente le service de l'inspection du travail en France.

Les inspecteurs feront observer les lois en vigueur sur le travail des femmes et des enfants, et notamment les prescriptions qui concernent—

1. L'interdiction du travail de nuit ;
2. L'âge d'admission au travail dans les ateliers industriels ;
3. La durée du travail journalier ;
4. L'obligation du repos hebdomadaire.

Le Gouvernement Italien s'engage à publier un rapport annuel détaillé sur l'application des lois et règlements relatifs au travail des femmes et des enfants ; le Gouvernement Français prend le même engagement.

Le Gouvernement Italien déclare en outre qu'il a l'intention de mettre à l'étude et de réaliser graduellement la réduction progressive de la durée du travail journalier des femmes dans l'industrie.

V. Chacune des deux Parties Contractantes se réserve la faculté de dénoncer à toute époque la présente Convention et les arrangements prévus à l'Article I en faisant connaître son intention un an d'avance, s'il y a lieu de reconnaître que la législation relative au travail des femmes et des enfants n'a pas été respectée par l'autre Partie, sur les points énoncés spécialement à l'Article IV, alinéa 2, faute d'une inspection suffisante, ou par suite de tolérances contraires à l'esprit de la loi, ou que le législateur aura diminué sur les mêmes points la protection édictée en faveur des travailleurs.*

VI. La présente Convention sera ratifiée, et les ratifications seront échangées à Rome aussitôt que possible.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Rome, en double expédition, le 15 Avril, 1904.

(L.S.) TITTONI.

(L.S.) L. LUZZATTI.

(L.S.) L. RAVA.

(L.S.) E. STELLUTI-SCALA.

(L.S.) CAMILLE BARRÈRE.

(L.S.) ARTHUR FONTAINE.

* See Protocol signed same day, page 463.

ARRANGEMENT between France and Italy for regulating the Payment of Deposits into the French and Italian National Savings Banks.—Signed at Rome, April 15, 1904.

[Ratifications exchanged September 21, 1904.]

LE Gouvernement de Sa Majesté le Roi d'Italie et le Gouvernement de la République Française, désirant assurer des facilités nouvelles aux déposants à la Caisse Nationale d'Épargne de France et à la Caisse d'Épargne Postale d'Italie, sont convenus de ce qui suit:—

ART. I.* Les fonds versés à titre d'épargne, soit à la Caisse Nationale d'Épargne de France, soit à la Caisse d'Épargne Postale d'Italie, pourront, sur la demande des intéressés et jusqu'à concurrence d'un maximum de 1,500 fr., être transférés sans frais de l'une des Caisses dans l'autre, et réciproquement.

Les demandes de transferts internationaux seront reçues, en France et en Italie, dans tous les bureaux de poste chargés, dans ces pays, du service de la Caisse d'Épargne.

Les fonds transférés seront, notamment en ce qui concerne le taux et le calcul des intérêts, les conditions de remboursement d'achat et de revente de rentes ou d'acquisition de carnets de rentes viagères, soumis aux lois, décrets, arrêtés et règlements régissant le service de l'administration dans la Caisse de laquelle ces fonds auront été transférés.

II. Les titulaires de livrets de la Caisse Nationale d'Épargne de France ou de la Caisse d'Épargne Postale d'Italie pourront obtenir, sans frais, le remboursement, dans l'un de ces pays, de sommes déposées par eux à la Caisse d'Épargne de l'autre pays.

Les demandes de remboursements internationaux, rédigées sur des formules spéciales mises à la disposition du public, seront déposées par les intéressés entre les mains du chef de bureau ou du receveur des postes de leur résidence, qui les fera parvenir, en franchise de port, à la Caisse d'Épargne détentrice des fonds.

Les remboursements seront effectués en vertu d'ordres de paiement qui ne pourront excéder 1,500 fr. chacun.

Les ordres de remboursement seront payables seulement dans les établissements de poste ou autres chargés du service de la Caisse d'Épargne. Ils seront adressés, directement et en franchise de port par la Caisse d'Épargne qui les aura délivrés, aux bureaux désignés pour le paiement.

* See Convention of same date, Article I, page 457.

III. Chaque administration se réserve le droit de rejeter les demandes de transferts ou de remboursements internationaux qui ne rempliraient pas les conditions exigées par ses règlements intérieurs.

IV. Les sommes transférées d'une Caisse dans l'autre porteront intérêt à charge de l'administration primitivement détentrice des fonds jusqu'à la fin du mois pendant lequel cette demande s'est produite, et à charge de l'administration qui accepte le transfert à partir du premier jour du mois suivant.

V. Il sera établi, à la fin de chaque mois, par la Caisse Nationale d'Épargne de France et la Caisse d'Épargne Postale d'Italie, un décompte des sommes qu'elles se doivent respectivement du chef des opérations faites pour le service de la Caisse d'Épargne, et après vérification contradictoire de ces décomptes la Caisse reconnue débitrice se libérera, dans le plus bref délai possible, envers l'autre Caisse, au moyen de traites ou chèques sur Rome ou sur Paris.

VI. La Caisse d'Épargne de chacun des pays contractants pourra correspondre, directement et en franchise, par la voie postale avec la Caisse de l'autre pays.

VII. Les bureaux de poste des deux pays se prêteront réciproquement concours pour le retrait des livrets à régler ou à vérifier.

L'échange des livrets entre la Caisse d'Épargne de chaque pays et les bureaux de poste ou agences de l'autre pays aura lieu en franchise.

VIII. La Caisse Nationale d'Épargne de France et la Caisse d'Épargne Postale d'Italie arrêteront d'un commun accord, après entente avec les administrations des postes des deux pays, les mesures de détail et d'ordre nécessaires pour l'exécution du présent arrangement, y compris celles relatives au change.

IX. Chaque Partie Contractante se réserve la faculté, dans le cas de force majeure ou de circonstances graves, de suspendre en tout ou en partie les effets de la présente Convention.

Avis devra en être donné à l'administration correspondante par la voie diplomatique.

L'avis fixera la date à partir de laquelle le service international cessera de fonctionner.

X. Le présent Arrangement aura force et valeur à partir du jour dont les Caisses d'Épargne des deux pays conviendront, dès que la promulgation en aura été faite d'après les lois particulières à chacun des deux États.

Sauf les cas prévus à l'Article V de la Convention en date de ce même jour,* il demeurera obligatoire pendant une durée de cinq années. Les deux Parties Contractantes devront se prévenir

mutuellement, une année à l'avance, si leur intention est d'y mettre fin à l'expiration de ce terme. A défaut d'un tel avis il sera prorogé d'année en année, pour un délai d'un an, par tacite réconduction.

Lorsque l'une des deux Parties Contractantes aura annoncé à l'autre son intention d'en faire cesser les effets, l'Arrangement continuera d'avoir son exécution pleine et entière pendant les douze dernier mois, sans préjudice de la liquidation et du solde des comptes entre les Caisses d'Épargne des deux pays après l'expiration du dit terme.

En foi de quoi les Soussignés, à ce dûment autorisés, ont dressé le présent acte, auquel ils ont apposé leurs signatures et leurs cachets.

Fait, en double expédition, à Rome, le 15 Avril, 1904.

(L.S.) TITTONI.

(L.S.) L. LUZZATTI.

(L.S.) L. RAVA.

(L.S.) E. STELLUTI-SCALA.

(L.S.) CAMILLE BARRÈRE.

(L.S.) ARTHUR FONTAINE.

PROTOCOL between France and Italy, respecting the Regulations regarding the Labour of Women and Children.—Signed at Rome, April 15, 1904.

[Ratifications exchanged September 21, 1904.]

Au moment de procéder à la signature de la Convention en date de ce jour, les Plénipotentiaires soussignés, se référant à l'Article V* de cette Convention, ont d'un commun accord déclaré ce qui suit:—

La Loi Française sur le travail des enfants et des femmes, visée par l'Article V de la Convention, est celle du 2 Novembre, 1892, modifiée par l'Article 1 de la Loi du 30 Mars, 1900. Toutefois, il est entendu que, éventuellement, les modifications à la dite Loi déjà votées par le Sénat Français à la date du 24 Mars, 1904, dans la mesure où elles prendraient force légale par le vote des deux Chambres, se substitueraient aux dispositions actuellement en vigueur pour l'appréciation prévue à l'Article V de la dite Convention.

La Loi Italienne sur le travail des femmes et des enfants, visée par l'Article V de la Convention, est celle du 29 Juin, 1902.

Il sera tenu compte, pour les appréciations prévues au dit Article V : en France, des avis de la Commission Supérieure du Travail dans l'Industrie, établie par la Loi du 2 Novembre, 1892, et du Conseil Supérieur du Travail ; en Italie, de l'avis du Conseil Supérieur du Travail, organisé par la Loi du 29 Juin, 1902.

Fait, en double expédition, à Rome, le 15 Avril, 1904.

(L.S.) TITTONI.

(L.S.) L. LUZZATTI.

(L.S.) L. RAVA.

(L.S.) E. STELLUTI-SCALA.

(L.S.) CAMILLE BARRÈRE.

(L.S.) ARTHUR FONTAINE.

GENERAL ARBITRATION CONVENTION concluded between France and Switzerland.—Signed at Paris, December 14, 1904.

[Ratifications exchanged at Paris, July 13, 1905.]

LE Conseil Fédéral Suisse et le Président de la République Française, désirant, en application des principes énoncés dans les Articles XV–XIX de la Convention pour le règlement pacifique des conflits internationaux, signée à La Haye en date du 29 Juillet, 1899,* entrer en négociations pour la conclusion d'une Convention d'Arbitrage, ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse : M. Charles Lardy, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près le Président de la République Française ;

Et le Président de la République Française : M. Th. Delcassé, Député, Ministre des Affaires Étrangères de la République Française ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les différends d'ordre juridique ou relatifs à l'interprétation des Traités existant entre les Hautes Parties Contractantes qui viendraient à se produire entre elles, et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899, à La Haye, à la condition, toutefois, qu'ils ne mettent en cause ni les intérêts vitaux ni l'indépendance ou l'honneur des États Contractants, et qu'ils ne touchent pas aux intérêts de tierces Puissances.

* Vol. XCI, page 970.

II. Dans chaque cas particulier, les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres et les délais à observer, en ce qui concerne la constitution du Tribunal Arbitral et la procédure.

III. La présente Convention est conclue pour une durée de cinq années, à partir du jour de l'échange des ratifications, qui aura lieu à Paris aussitôt que faire se pourra.

Fait à Paris, en double exemplaire, le 14 Décembre, 1904.

(L.S.) LARDY.

(L.S.) DELCASSÉ.

TREATY OF COMMERCE between Germany and Belgium additional to the Treaty of Commerce of the 6th December, 1891.—Signed at Brussels, June 22, 1904.†*

[Ratifications exchanged at Brussels, June 20, 1905.]

SA Majesté le Roi des Belges, d'une part, et Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire Allemand, d'autre part, désirant soumettre à une revision le Traité de Commerce et de Douane du 6 Décembre, 1891, entre la Belgique et l'Empire Allemand, ont résolu de conclure un Traité Additionnel au dit Traité et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges : M. le Baron de Favereau, Membre du Sénat, son Ministre des Affaires Étrangères ; et

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse : M. le Comte de Wallwitz, son Conseiller Intime Actuel, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les divers Articles du Traité actuel sont modifiés de la manière suivante :—

1. Les deux alinéas suivants sont ajoutés à l'Article I :

Les ressortissants de chacune des Parties Contractantes seront exempts, sur le territoire de l'autre, de tout service militaire aussi

* Vol. LXXXIII, page 47.

† "Moniteur Belge," July 28, 1905.

bien dans l'armée régulière et la marine que dans la milice et la garde civique.

Ils ne seront astreints, en temps de paix et en temps de guerre, qu'aux prestations et aux réquisitions militaires imposées aux nationaux et ils auront réciproquement droit aux indemnités établies en faveur des nationaux par les lois en vigueur dans les deux pays.

2. Les Annexes (A) et (B), mentionnées à l'Article III, sont remplacées par les Tarifs ci-joints, (A) (Droits à l'entrée en Belgique) et (B) (Droits à l'entrée du territoire douanier Allemand).

3. L'Article VII est rédigé comme suit :—

Les Parties Contractantes s'engagent à n'empêcher le trafic réciproque entre les deux pays par aucune prohibition d'importation, d'exportation ou de transit.

Des exceptions, en tant qu'elles soient applicables à tous les pays ou aux pays se trouvant dans les mêmes conditions, pourront avoir lieu dans les cas suivants :—

(1.) Pour les provisions et munitions de guerre dans des circonstances extraordinaires ;

(2.) Pour des raisons impérieuses de sécurité publique ; pour des raisons de police sanitaire ou dans le but de protéger les animaux ou les plantes utiles contre les maladies ou les insectes et parasites nuisibles ;

(3.) En vue de l'application, aux marchandises étrangères, des prohibitions ou restrictions arrêtées par des lois intérieures à l'égard de la production, du trafic ou du transport à l'intérieur des marchandises indigènes similaires.

4. L'Article VIII est rédigé comme suit :—

Les dispositions du présent Traité ne s'appliquent pas aux faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à d'autres États limitrophes pour faciliter le trafic local dans une zone correspondant au district-frontière de chacun des deux pays, mais qui ne dépassera pas 15 kilom. de largeur de chaque côté de la frontière.

5. Le cinquième alinéa de l'Article IX est rédigé comme suit :—

Les objets passibles d'un droit de douane qui seront importés comme échantillons seront, de part et d'autre, admis en franchise de droits d'entrée et de sortie, à la condition que ces objets, sans avoir été vendus, soient réexportés dans un délai fixé à l'avance, et que l'identité des objets importés et réexportés ne soit pas douteuse.

6. L'Article X est rédigé comme suit :—

Sur les chemins de fer, il ne sera fait de différence entre les habitants des territoires des Parties Contractantes, ni quant aux prix de transport, ni quant au temps et au mode de l'expédition. Notam-

ment, les envois passant du territoire de l'une des Parties Contractantes dans le territoire de l'autre ou qui y transitent ne seront pas traités, sous le rapport de l'expédition ou des prix de transport, moins favorablement que ceux qui partent des territoires respectifs soit pour une destination à l'intérieur, soit pour l'étranger, pourvu que le transport ait lieu sur la même ligne et dans la même direction.

II. Un Article XIII^A, conçu comme suit, est inséré à la suite de l'Article XII du Traité actuel :—

S'il s'élevait entre les Parties Contractantes un différend sur l'interprétation ou l'application des Tarifs (A) et (B) annexés au présent Traité ou sur l'application, en fait, en ce qui concerne tout autre Tarif Conventionnel, de la clause assurant aux deux Parties Contractantes le traitement de la nation la plus favorisée, le litige, si l'une des Parties en fait la demande, sera réglé par la voie de l'arbitrage.

Pour chaque litige, le Tribunal Arbitral sera constitué de la manière suivante : Chacune des Parties nommera comme Arbitre, parmi ses nationaux, une personne compétente, et les deux Parties s'entendront sur le choix d'un tiers Arbitre, ressortissant d'un tiers État ami.

Les Parties Contractantes se réservent de désigner à l'avance et pour une période à déterminer, la personne qui remplirait, en cas de litige, les fonctions de tiers Arbitre.

Le cas échéant et sous la réserve d'une entente spéciale à cet effet, les Parties Contractantes soumettront aussi à l'arbitrage les différends qui pourraient s'élever entre elles au sujet de l'interprétation et de l'application d'autres clauses du présent Traité que celles prévues à l'alinéa premier.

En ce qui concerne la procédure de l'arbitrage dans les cas prévus à l'alinéa premier, les Parties Contractantes sont convenues de ce qui suit :—

Au premier cas d'arbitrage, le Tribunal Arbitral siégera dans le pays de la Partie Contractante défenderesse ; au second cas, dans le pays de l'autre Partie, et ainsi de suite, alternativement dans chacun des deux pays. Celle des Parties sur le territoire de laquelle siégera le Tribunal désignera le lieu du siège ; elle aura la charge de fournir les locaux, les employés de bureau et le personnel de service nécessaires pour le fonctionnement du Tribunal. Le Tribunal sera présidé par le tiers Arbitre. Les décisions seront prises à la majorité des voix.

Les Parties Contractantes s'entendront soit dans chaque cas d'arbitrage, soit pour tous les cas, sur la procédure à suivre par le Tribunal. A défaut de cette entente, la procédure sera réglée par le Tribunal lui-même. La procédure pourra se faire par écrit, si

aucune des Parties n'élève d'objections. Dans ce cas, les dispositions de l'alinéa qui précède pourront être modifiées.

Pour la transmission des citations à comparaître devant le Tribunal Arbitral et pour les Commissions Rogatoires émanées de ce dernier, les autorités de chacune des Parties Contractantes prêteront, sur la réquisition du Tribunal Arbitral adressée au Gouvernement compétent, leur assistance de la même manière qu'elles la prêtent lorsqu'il s'agit de réquisitions des Tribunaux Civils du pays.

Les Parties Contractantes s'entendront sur la répartition des frais, soit à l'occasion de chaque arbitrage, soit par une disposition applicable à tous les cas. A défaut d'entente, l'Article LVII de la Convention de La Haye du 29 Juillet, 1899,* sera appliqué.

III. Le Protocole de Clôture du Traité actuel est modifié ainsi qu'il suit :—

1. La disposition additionnelle à l'Article III est remplacée par les dispositions suivantes :—

Aux Articles II et III :

(1.) Aucune des Parties Contractantes ne percevra à une frontière quelconque de son territoire des droits plus favorables que ceux perçus à la frontière qui sépare les territoires des deux Parties Contractantes.

Les produits du sol ou de l'industrie d'une provenance quelconque transportés en transit par le territoire de l'une des Parties Contractantes ne payeront pas, à leur entrée dans celui de l'autre Partie, des droits autres ni plus élevés que n'auraient payés les mêmes produits importés directement de leur pays d'origine.

(2.) Les droits *ad valorem* fixés par le Tarif Douanier Belge seront calculés sur la valeur au lieu d'origine ou de fabrication de l'objet importé augmentée des frais de transport, d'assurance et de commission nécessaires pour l'importation jusqu'au lieu de dédouanement.

Dans le cas où la procédure actuellement en vigueur pour le règlement des contestations sur la valeur de la marchandise et qui est basée sur l'Article 2 de l'Arrêté Royal Belge du 13 Mai, 1882, serait modifiée, les principes suivants seront observés :—

(a.) Si la Douane juge insuffisante la valeur déclarée par l'importateur, il sera accordé à celui-ci un délai de cinq jours pour souscrire la déclaration supplémentaire réclamée par la Douane ou pour s'en remettre à la décision de l'autorité chargée de trancher le litige.

(b.) Le fabricant ou le négociant pour le compte duquel l'importation a lieu, pourra, le cas échéant, soumettre par écrit ou présenter en personne ses moyens de défense à l'autorité compétente.

* Vol. XCI, page 970.

(c.) Aucune pénalité ne sera infligée si la différence entre la valeur déclarée et la valeur déterminée par la douane ou par l'autorité compétente n'atteint pas 10 pour cent de cette dernière valeur. Cette règle ne s'appliquera pas au cas où il serait prouvé que l'importateur a déclaré une valeur insuffisante dans l'intention d'éluder frauduleusement les droits. Les droits seront toujours perçus sur l'excédent quel qu'il soit.

Pour le règlement des contestations sur la valeur des chevaux (No. 100 du Tarif Douanier Allemand), les principes suivants seront observés en Allemagne :—

(a.) Si le Bureau des Douanes juge insuffisante la valeur déclarée par l'importateur, il sera accordé à celui-ci un délai de cinq jours pour accepter la décision du Bureau de Douane ou s'en remettre à la décision des experts ou de l'autorité chargée de trancher le litige.

(b.) L'importateur pourra justifier, soit en personne, soit par écrit, sa déclaration de valeur devant les experts ou l'autorité compétente.

(c.) L'importateur n'encourra aucune pénalité si, à raison de la valeur plus élevée constatée par le Bureau de Douane ou par les experts ou l'autorité compétente, le cheval rentre dans une classe de valeur plus fortement taxée, pourvu que la différence entre la valeur déclarée et la valeur constatée n'atteigne pas 10 pour cent de celle-ci. Cette règle ne s'appliquera pas au cas où il serait prouvé que l'importateur a déclaré une valeur insuffisante dans l'intention d'éluder frauduleusement les droits.

(3.) Le Gouvernement Belge se réserve la faculté de convertir les droits *ad valorem* figurant au Tarif (A) en droits spécifiques équivalents. A cet effet, le Gouvernement Belge se mettra en rapport avec le Gouvernement Allemand sur les conversions projetées. Dans le cas où l'accord sur les taux proposés ne serait pas établi dans un délai de trois mois à dater du jour de la notification faite au Gouvernement Allemand, il sera fait appel au Tribunal Arbitral dans les conditions prévues à l'Article XII A, et la conversion ne pourra avoir lieu que conformément à la décision de ce Tribunal.

(4.) Dans le cas où la Belgique se déciderait à augmenter les droits sur les Articles suivants, les droits ne dépasseront pas les taux indiqués ci-après :—

Colis et manchettes en tissu de lin : mêmes droits que sur la lingerie de toute espèce ;

Vêtements pour hommes en laine pure ou mélangée d'autres matières textiles, la laine dominant en poids : 13 pour cent de la valeur ;

Chapeaux de toute espèce pour hommes : 13 pour cent de la valeur ;

Fils et verges en fer ou en acier, quelle qu'en soit la section,

de moins de 5 millim. de diamètre ou d'épaisseur, mais non cuivrés, nicklés, étamés, plombés, ni zinqués (galvanisés) : 2 fr. par 100 kilog. ;

Tubes et tuyaux, y compris les raccords en fer ou en acier, même ondulés sans autre main-d'œuvre, qu'ils soient ou non goudronnés ou enduits de minium :—

Uniquement soudés : étirés d'un diamètre extérieur de plus de 25 millim. : 2 fr. par 100 kilog. ;

Autres : 4 fr. par 100 kilog.

(5.) Tant que le Tarif de Douane Belge maintiendra, pour certaines marchandises désignées dans le Tarif (A) annexé au présent Traité, des droits autres que ceux fixés dans ce dernier Tarif, l'importateur aura le choix entre les deux tarifications.

(6.) Dans le cas où l'Allemagne accorderait des droits plus réduits à d'autres races de chevaux, ces réductions seront acquises, tant qu'elles existeront et sous les mêmes conditions, aux chevaux d'origine Belge appartenant aux races dites Flamande, Brabantoise, et Ardennaise.

(7.) Les catalogues brochés ou reliés de maisons de commerce établies en Allemagne, destinés à l'offre de marchandises, même munis d'échantillons, seront admis, en Belgique, en franchise de droits, s'ils portent l'indication imprimée de la firme Allemande exclusivement, sans mention d'une autre maison commerciale ou du nom d'un agent quelconque. Réciproquement, les dits catalogues de maisons de commerce établies en Belgique seront exempts de droits en Allemagne, s'ils portent l'indication imprimée de la firme Belge exclusivement, sans mention d'une autre maison commerciale ou du nom d'un agent quelconque.

(8.) Les Parties Contractantes admettront, de part et d'autre, en franchise de droits à l'entrée et à la sortie le cuir découpé ou estampé sous forme de gants qui sera envoyé d'Allemagne en Belgique pour y être cousu et renvoyé ensuite en Allemagne, ainsi que les gants confectionnés de ce cuir par la couture en Belgique et qui seront renvoyés en Allemagne pour y recevoir l'achèvement de leur confection et être exportés à l'étranger. La franchise ne sera accordée que si l'identité des objets importés et exportés n'est pas douteuse et si la réimportation et la réexportation ont lieu dans les délais convenables à fixer à l'avance.

2. La disposition additionnelle à l'Article VII est remplacée par la disposition suivante :—

En exécution de l'Article III de la Convention Phylloxérique Internationale du 3 Novembre, 1881,* portant que les plantes seront emballées solidement mais de manière à permettre les constatations

nécessaires, et de l'Article I de la dite Convention, laissant aux États Contractants le soin de réglementer le transport et l'emballage des plantes, il a été convenu que les plantes, arbustes et végétaux, autres que la vigne, provenant de pépinières, de jardins ou de serres et circulant entre la Belgique et l'Allemagne seront conditionnés, pour le voyage, de l'une des trois manières suivantes :—

(1.) Ou emballés en caisses, paniers ou colis fermés ;

(2.) Ou chargés en vrac en wagon fermé et plombé ;

(3.) Ou chargés sur wagon ouvert avec un emballage tel qu'il recouvre complètement la terre et les racines, les branches étant réunies par une ligature.

3. Le premier alinéa de la disposition additionnelle à l'Article X est rédigé comme suit :—

Les Parties Contractantes se prêteront réciproquement tout l'appui possible quant à l'établissement des prix de transport par chemin de fer, notamment en établissant des tarifs directs, chaque fois que l'une d'elles en fera la demande pour des marchandises donnant lieu à un trafic dans la direction indiquée.

4. Le cinquième alinéa de la disposition additionnelle à l'Article X est supprimé.

IV. Le présent Traité Additionnel entrera en vigueur à l'expiration d'un délai de six mois à partir du jour où les deux Parties Contractantes se seront mises d'accord à cet effet. L'entrée en vigueur du présent Traité Additionnel n'aura cependant pas lieu avant le 1^{er} Janvier, 1905, ni après le 1^{er} Juillet, 1906.

Après la mise en vigueur du Traité Additionnel, le Traité actuel de Commerce et de Douane conclu le 6 Décembre, 1891, avec les modifications et additions y apportées par le Traité Additionnel, produira ses effets jusqu'au 31 Décembre, 1917.

Dans le cas où aucune des Parties Contractantes n'aurait notifiée douze mois avant l'échéance de ce terme son intention de faire cesser les effets du Traité, ce dernier avec les modifications et additions susdites continuera à être obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou d'autre des Parties Contractantes l'aura dénoncé.

V. Le présent Traité sera ratifié avant sa mise en vigueur, et les ratifications en seront échangées aussitôt que possible.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité Additionnel et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, en double exemplaire, le 22 Juin, 1904.

(L.S.) FAVEREAU.

(L.S.) GRAF VON WALLWITZ.

TARIF (A.)—DROITS à l'entrée en Belgique.

No. du Tarif des Douanes Belge en vigueur. au moment de la conclusion du Traité.	Désignation des Marchandises.					Droits d'Entrée.	
						Base.	Quotité.
ex 1	Amidon	..	..	..	..	..	Fr. c. Libre.
ex 2	Animaux vivants— Especie ovine— Béliers, brebis, et moutons	..	..	..	..	..	2 00
	Agneaux.. ..	..	..	..	..	..	1 00
	Volailles	..	..	..	..	..	Libres.
3	Armes	..	..	..	..	..	5 00
ex 5	Bières en cercles	..	..	..	..	Hectolitre	1 00
ex 6	Perches et pièces de bois en grume ou non scié ayant moins de 75 centim. de circonférence au gros bout	..	..	..	..	Mètre cube	1 00
	Bois ouvrés— Futailles montées ou démontées— En bois de chêne	..	..	..	..	100 kilog.	5 00
	En bois autres	..	..	..	..	"	2 00
	Autres ouvrages	..	..	..	..	Valeur	10 pour cent.
ex 10	Caoutchouc ouvré	..	..	..	..	"	"
11	Caractères typographiques	..	..	..	..	..	Libres.
ex 15	Ficelles ayant de 2 à 8 millim. de diamètre	..	..	..	..	..	"
ex 17	Riz pelé ; sel brut	..	..	..	..	..	"
ex 19	Colle forte	..	..	..	..	..	"
	Eaux minérales de toute sorte	..	..	..	..	..	"

ex 24

Fils de laine—

Cardée	..	..	..	..	..	100 kilog.	..	5 00
Peignée, simples—								
Non teints	..	..	..	..	..	"	..	15 00
Teints	..	..	..	..	..	"	..	20 00
Peignée, refors—								
Non teints	..	..	..	..	..	"	..	20 00
Teints	..	..	..	..	..	"	..	25 00
Fils de soie, non compris ceux préparés pour la vente au détail..	..	..	..	..	..	..	..	Libres.

ex 27

Lingerie de toute espèce—
Simplement cousue, sans ornement ni broderie—
Toute autre

Simplement cousue, sans ornement ni broderie	..	..	..	..	..	Valeur ..	..	15 pour cent.
Toute autre	..	..	..	..	..	"	..	18 "

Remarque.—Est considérée comme simplement cousue, sans ornement ni broderie, la lingerie munie de cordons-tirettes n'ayant pas le caractère d'ornements. Il en est de même de la lingerie simplement plissée ou garnie de plissés du même tissu que celui dont l'objet est confectionné.

Vêtements pour femmes, non compris les vêtements en soie pure ou en soie mélangée d'autres matières textiles, la soie dominant en poids—
Simplement cousus, sans ornement ni broderie—
Tous autres

Simplement cousus, sans ornement ni broderie	..	..	..	..	..	"	..	15 "
Tous autres	..	..	..	..	..	"	..	18 "

Remarque.—Ne sont considérés comme vêtements pour femmes en soie pure ou mélangée, que les vêtements dont la partie extérieure principale consiste en soie pure ou mélangée, abstraction faite de la doublure et des ornements en soie pure ou mélangée.

Vêtements pour hommes, non spécialement dénommés	..	..	..	..	..	"	..	15 "
Bonneterie	..	..	..	..	..	"	..	15 "
Objets confectionnés en tout ou en partie non compris parmi ceux désignés ci-dessus, et non spécialement tarifés	..	..	..	..	..	"	..	15 "
Huiles de colza, de navette, de noyaux de palme (huile de palmiste, huile de coprah)	..	..	..	..	..	"	..	Libres.
Instruments et appareils scientifiques	..	..	..	..	..	"	..	"

Remarque.—Les instruments et appareils photographiques spécialement construits en vue de recherches scientifiques (astronomie, météorologie, micrographie, &c.) rentrent dans la catégorie des instruments et appareils scientifiques.

Instruments de musique	..	..	..	..	..	Valeur ..	..	10 pour cent.
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ex 28

29

30

No. du Tarif des Douanes Belge en vigueur au moment de la conclusion du Traité.	Désignation des Marchandises.	Droits d'Entrée.	
		Base.	Quotité.
ex 33	Machines, mécaniques, et outils— Courroies pour machines— En cuir, en caoutchouc, ou en matières similaires		Fr. c.
	En toute autre matière.. .. .	100 kilog.	30 00
	Machines, mécaniques et outils, autres, à l'exception des locomotives, avec ou sans tender ; des locomobiles ; des turbines à vapeur ; des machines, moteurs, et autres appareils électriques et électro-magnétiques, y compris les appareils télégraphiques et télé- phoniques ; des machines et appareils pour la laiterie, et des garnitures de cartes—	"	20 00
	En aluminium	"	40 00
	En fonte	"	2 00
	En fer ou en acier	"	4 00
	En bois	"	10 pour cent.
	En cuivre ou en toute autre matière	Valeur ..	12 00
	<i>Remarques.</i> —1. Les machines et les mécaniques importées à l'état démonté seront imposées d'après la matière dominant en poids dans l'objet monté si les règles suivantes sont observées :— Les parties de machines et de mécaniques peuvent entrer en une fois ou successivement en divers envois.	100 kilog.	
	Tous les envois partiels doivent être présentés en Douane au même bureau et dans un délai déterminé, à indiquer par l'importateur au moment de la présentation du premier envoi, et ne dépassant pas deux mois.		
	En introduisant une machine ou une mécanique à l'état démonté, ou quelques parties détachées d'un tel objet, l'importateur doit présenter, en même temps que la déclaration, les plans et dessins de l'objet complet, ainsi qu'une liste des pièces importantes, d'après leur nature, le numéro et le poids de chaque pièce, en indiquant approximativement le poids total des petites pièces accessoires.		

No. du Tarif des Douanes Belge en vigueur au moment de la conclusion du Traité.	Désignation des Marchandises.	Droits d'Entrée.	
		Base.	Quotité.
ex 39 (suite)	Fils ou verges, quelle qu'en soit la section, de 5 millim. ou plus de diamètre ou d'épaisseur, mais non cuivrés, nickelés, étamés, plombés ou zingués (galvanisés) ..	100 kilog.	1 00
	Fer et acier, ouvrés—		
	Traverses pour voies ferrées ..	"	1 00
	Fils ou verges, quelle qu'en soit la section, de 5 millim. ou plus de diamètre ou d'épaisseur, découpés de longueur égale pour un usage déterminé ..	"	1 00
	Acier ébauché et façonné pour limes ..	"	2 00
	Arceaux composés de verges simplement cintrées, pour bordures de jardins ..	"	2 00
	Fils ou verges, quelle qu'en soit la section, de moins de 5 millim. de diamètre ou d'épaisseur, découpés de longueur égale pour un usage déterminé ..	"	2 00
	Bandelettes perforées pour le cerclage de caisses ..	"	2 00
	Colonnes, sous forme de tuyaux, autres que celles pour l'ameublement ou pour l'ornement des jardins ..	"	2 00
	Feuilles, planches, plaques ou tôles, embouties ou découpées en rond ou suivant croquis ..	"	2 00
	Fonds de chaudières, de forme bombée, munis ou non d'orifices pour l'adaptation de foyers et de tubes bouilleurs, dont les bords ont été relevés par le martelage ou autrement, mais ni finis, ni bordés ..	"	2 00
	Feuilles, planches, plaques, ou tôles, vernissées, laquées, ou bronzées ..	"	2 00
	Fils, quelle qu'en soit la section, de tout diamètre et de toute épaisseur, cuivrés, nickelés, étamés, plombés, ou zingués (galvanisés), découpés de longueur égale pour un usage déterminé ..	"	3 00
	Tubes et tuyaux recouverts de cuivre obtenus par le laminage, le fer ou l'acier dominant en poids ..	"	3 00
	Autres fers et aciers ouvrés ..	"	4 00

Remarque.—Le fait que les objets mentionnés ci-dessus sont goudronnés ou enduits de minium n'en modifie pas la tarification.

Étain, plomb et zinc, ouvrés	..	..	..	..	..	..	..	..	Valeur ..	10 pour cent.
Or, argent et platine—	..	..	..	..	..	..	..	..	..	..
Bijouterie, y compris les chainettes de toute longueur servant à la fabrication de la bijouterie et de l'orfèvrerie	..	..	..	..	..	..	..	..	Valeur ..	Libres. 5 pour cent.
Orfèvrerie ..	..	..	..	..	..	..	..	..	..	10 "
Meubles (y compris les horloges et les pendules), excepté les meubles en bois massif courbé	..	..	..	..	..	..	..	..	..	Libres.
Tableaux peints à la main, non encadrés, et photographies non encadrées	..	..	..	..	..	..	..	..	..	8 00
Papiers à meubler, excepté les papiers à meubler dorés, argentés, bronzés, gaufrés, ou veloutés	..	..	..	..	..	..	..	..	..	4 00
Papiers autres, excepté le carton	..	..	..	..	..	..	..	..	100 kilog.	30 00
Peaux teintes, vernies, laquées ou maroquinées, et pelleteries apprêtées	..	..	..	..	..	..	..	..	Valeur ..	10 pour cent.
Ouvrages de cordonnerie	..	..	..	..	..	..	..	..	..	10 pour cent.
Gants ..	..	..	..	..	..	..	..	..	..	Libres.
Pierres brutes, taillées, ou sciées, non spécialement dénommées.	..	..	..	..	..	..	..	..	..	..
<i>Remarque.</i> —Sont comprises sous la dénomination de "Pierres brutes, taillées, ou sciées," toutes les pierres proprement dites, à l'exception des pierres polies ou sculptées.	..	..	..	..	..	..	..	..	..	..
Pierres à aiguiser et pierres lithographiques, brutes, ou polies	..	..	..	..	..	..	..	..	..	..
Poissons de mer frais..	..	..	..	..	..	..	..	..	..	..
Cornues à gaz et creusets de toute sorte	..	..	..	..	..	..	..	..	..	..
Poteries communes non dénommées	..	..	..	..	..	..	..	..	100 kilog.	1 25
	..	..	..	..	..	..	..	..	ou, au choix de l'importateur,	10 pour cent.
Faïences et porcelaines non dénommées	..	..	..	..	..	..	..	..	Valeur ..	10 pour cent.
Produits chimiques désignés ci-après—	..	..	..	..	..	..	..	..	Valeur ..	10 pour cent.
Sulfates et sulfites de soude (sel de Glauber, &c.) cristallisés et calcinés, même combinés avec de l'acide sulfurique ou d'autres acides; sels de potasse de toute espèce (carbonate, chromate, nitrate, oxalate de potasse, potasse caustique, &c.); soude calcinée et cristallisée; silicate de soude (verre soluble); alizarine; huile et sel d'aniline et autres produits dérivés du goudron de houille; acétate et sous-acétate (sucre et vinaigre) de plomb; chlorure de potassium; chlorure de magnésie (sel de magnésie); minium (oxyde rouge de plomb); acide sulfurique, acide sulfureux fumant, chlorhydrine sulfurique (acide chlorosulfonique), anhydride sulfurique; sulfure de zinc (lithopone); alun, même alun de chrome; acide oxalique, acide tartrique; alumine artificielle, hydrate d'alumine, alumine calcinée; chromate de soude; soude caustique;	..	..	..	..	..	..	..	..	..	..

ex 40

ex 44

ex 46

ex 48

ex 49

ex 50

ex 51

ex 53

No. du Tarif des Douanes Belge en vigueur au moment de la conclusion du Traité.	Désignation des Marchandises.	Droits d'Entrée.	
		Base.	Quotité.
ex 53 (suite)	sels ammoniacaux; chlorure de baryum; préparations non alcooliques à base d'étain; acide tannique; glycérine purifiée; préparations non alcooliques à base d'iode; sels d'argent		Fr. c.
ex 54	Produits divers pour l'industrie désignés ci-après Accessoires en métal, destinés à être adaptés à des objets de vannerie et de sellerie, à des malles, valises ou autres articles analogues de voyage. Appliques, ornements ou fermoirs en métal, autres qu'en or ou en argent, pour albums, aumôniers, boîtes à bijoux, carnets, couvertures de livres, étuis à cigares, porte-cartes, porte-monnaie, &c. Asbeste (amiante) en carton, feutre, disques (rondelles) et plaques, ainsi que cordes tressées et tissus en amiante, associés ou non à du caoutchouc, du coton ou des garnitures métalliques, connus sous le nom de bourrages pour machines. Bobines de toute sorte, servant à enrouler les fils à coudre pour la vente au détail. Boucles en cuivre, en chrysocale et en fer étamé ou verni, ainsi que double-boutons et autres petits accessoires en fer étamé ou verni, destinés à la confection de havre-sacs, de courroies de sacs, de ceinturons, &c., pour équipements militaires. Boutons en papier mâché, destinés à la confection des chaussures. Boutons-fermoirs à emboîtement, destinés à la confection de gants, de porte-monnaie, &c. Carcasses en fil de fer ou de laiton pour chapeaux, bonnets, &c. Carton bitumé pour toitures et feutre imprégné d'asphalte. Celluloïd en feuilles ou en bâtons. Châtainettes, cœurs et croix en acier, en cuivre, en maillechort, en bois ou en nacre, ainsi que perles en acier, en nacre ou en verre (y compris les vitrifications) pour chapelets, colliers ou autres bijoux. Charbon aggloméré sous forme de cylindres, baguettes, bâtons, bougies, crayons, plaques,	 Valeur	Libres. 5 pour cent.

	Libres.	18 00
lames ou blocs, &c., pour appareils électriques, ainsi que sous forme de cylindres pour filtres.	..	..
Cordes de boyaux et cordes métalliques, pour instruments de musique.	..	..
Détonateurs et amorces électriques à détonateurs, servant à la déflagration de la dynamite dans les mines et les carrières.	..	..
Drap-cylindre feutré pour l'impression.	..	..
Fanons de baleine coupés ou apprêtés et baleines factices en corne.	..	..
Fournitures pour horloges et pendules.	..	..
Fournitures pour parapluies et parasols.	..	..
Mécanismes non tout à fait complets et touches pour pianos.	..	..
Paillettes en gélatine ou en métal, ainsi que perles en acier, en nacre ou en verre, pour broderies, passementeries, &c.	..	..
Pâtes de bois comprimées, vulcanisées ou non, sous forme de bâtons, feuilles, plaques ou tubes.	..	..
Plaques en ivoire, en écaïlle, en bois durci, en celluloïd, &c., décorées et incrustées ou non, destinées à la confection de couvertures de livres.	..	..
Poils feutrés destinés aux usages industriels.	..	..
Queues de boutons de toute espèce.	..	..
Rebords pour placards, en tôle nue ou peinte d'une seule couleur.	..	..
Ressorts de toilette ou laques, non garnis, servant à donner une certaine rigidité aux corsages de robes.	..	..
Rotins et moelles de rotin, filés ou non, teints ou vernis ; rotins ouvrés et préparés pour manches de parapluies et de parasols.	..	..
Têtes en bois, en porcelaine, en cire, en carton, en plâtre, &c., destinées à la confection de poupées.	..	..
Tubes et tuyaux en caoutchouc additionné ou non d'autres matières.	..	..
Tableaux imprimés à l'huile	..	..
Impressions typographiques	..	..
Impressions lithographiques, chromolithographiques, photolithographiques, chromatographiques, phototypographiques, phototypiques, zincographiques ou autres reproductions de dessins ou gravures sur bois, métaux ou pierres, non spécialement dénommées—	..	..
En une ou deux couleurs—	..	..
Sur carte ou carton ..	..	..
Sur papier ..	..	..
100 kilogrammes	..	..
18 00	..	..
35 00	..	..

No. du Tarif des Douanes Belge en vigueur au moment de la conclusion du Traité.	Désignation des Marchandises.	Droits d'Entrée.	
		Base.	Quotité.
			Fr. c.
ex 55 (suite)	Impressions lithographiques, &c., non spécialement dénommées (<i>suite</i>)—		
	En plus de deux couleurs—		
	Sur carte ou carton ..	100 kilog.	30 00
	Sur papier ..	"	60 00
	Albums et carnets à images ou à dessins—		
ex 57 ex 62 ex 64	Typographiés, coloriés ou non au pinceau ou à la plaque	"	25 00
	Tous autres ..	"	60 00
	Cérésine ..	"	Libres.
	Teintures et couleurs*, à l'exception des cirages, des vernis gras et du bleu d'outremer ..	"	"
	Tissus de coton mélangé de soie, le coton dominant en poids, non compris les couvertures ayant reçu après le tissage une main-d'œuvre autre qu'un simple ourlage ..	100 kilog. ou, au choix de l'importateur, Valeur ..	400 00 15 pour cent.
	Tissus de coton: Tous autres tissus, non compris les couvertures ayant reçu après le tissage une main-d'œuvre autre qu'un simple ourlage ..	Valeur ..	15 pour cent.
	Tissus de laine pesant moins de 200 grammes par mètre carré ..	"	15 "
	Tissus de laine: Tous autres tissus, non compris les couvertures ayant reçu après le tissage une main-d'œuvre autre qu'un simple ourlage ..	"	10 "
	Tissus de lin: Tous autres tissus, y compris les mouchoirs découpés et simplement ourlés ..	"	10 "
	Velours et peluches de soie mélangée d'autres matières textiles, la soie dominant en poids sans excéder 75 pour cent ..	100 kilog. ou, au choix de l'importateur, Valeur ..	700 00 15 pour cent.
Linoleum	..	Valeur ..	15 pour cent.
	..	Valeur ..	15 pour cent.

Remarque.—Les tissus mélangés de toute espèce acquittent les droits des tissus selon l'espèce, d'après la matière dominante en poids. Ne sont considérés comme mélangés que

ex 65	les tissus renfermant plus de 5 pour cent de matières textiles autres que celle qui en constitue la matière principale.	..	..	..	Libres.
ex 66	Graines, non compris les graines oléagineuses; pâte de bois	..	..	..	2 00
	Bouteilles, fioles, bonbonnes, dames-jeannes ou touriées—	..	..	..	1 50
	En verre blanc ou demi-blanc	..	..	100 kilog.	..
	Autres	..	..	"	..
	Bonbonnes, dames-jeannes ou touriées, clissées ou renfermées dans des paniers en osier	..	..	"	4 00
	ou autres matières analogues	..	..	"	1 00
	Verrieres communes: Objets autres que les bouteilles, fioles, bonbonnes, dames-jeannes ou	..	..	ou, au choix de l'importateur,	10 pour cent.
	touriées	..	..	Valeur ..	10 pour cent.
ex 67	Verrierie autre, excepté les glaces, les verres de vitrage, les dalles, les pavés et les tuiles	..	..	100 kilog.	60 00
ex 69	Pâtés de foie gras	..	..	..	..
	Vins.	..	..	..	..
	<i>Remarques.</i> —1. Les vins blancs Allemands bénéficieront, en ce qui concerne le traitement douanier et la perception de l'accise, de toutes les facilités qui pourraient être accordées à d'autres vins étrangers, notamment aux vins rouges de toute origine.				
	2. Le montant des droits et des accises à percevoir sur les vins blancs non mousseux en bouteilles n'excédera pas de plus de 40 fr. par hectolitre le montant des droits et des accises à percevoir sur les vins en fûts.				
ex 70	Vélocipèdes et parties de vélocipèdes	..	..	Valeur ..	12 pour cent.

* Y compris les teintures artificielles obtenues par des procédés chimiques, notamment l'indigo artificiel.

TARIF (B).—DROITS à l'entrée du Territoire Douanier Allemand.

(Le Tarif Général Allemand mentionné dans le présent Tarif est le Tarif du Douane du 25 Décembre, 1902, tel qu'il a été fixé par la Loi de l'Empire Allemand en date du dit jour.)

No. du Tarif Général Allemand.	Désignation des Marchandises.			Base.	Droit.
					M. pf. 1 00 0 80 Libres. "
ex 23	Pommes de terre fraîches, dans la période du 15 Juin au 31 Juillet	..	..	100 kilog.	..
ex 26	Chicorée (racines de chicorée), même en morceaux, séchée	..	..	"	..
ex 33	Plantes potagères fraîches—				
	Asperges	..	..	..	..
	Choux-fleurs, oignons et chicorée de Bruxelles (witloof)	..	..	..	..
38	Arbres, vignes, arbustes, arbrisseaux, plants destinés à la transplantation, et autres plantes vivantes, avec ou sans mottes de terre, même en pots, en baquets ou caisses; greffes, entes—				
	Troncs de cycas, sans racines ni feuilles; palmiers, lauriers, azalées des Indes, plants forestiers	..	..	..	..
	Rosiers	..	..	100 kilog.	12" 00
	Non spécialement dénommés—				
	Plantes en pots	..	..	"	10 00
	Plantes sans mottes de terre	..	..	"	6 00
	Autres.. ..	..	..	"	5 00
ex 45	Raisins de table (grappes et baies de raisins), frais, importés en colis postaux pesant jusqu'à 5 kilom. inclusivement	..	..	..	Libres.
ex 47	Pommes et poires, fraîches—				
	Non emballées, du 1 ^{er} Septembre au 30 Novembre	..	..	100 kilog.	5" 00
	Emballées	..	..	..	..

ex 62	Chicorée (racines de chicorée), brûlée (torréfiée), même mouluë, sans addition d'autres substances	..	..	4 00 Libres.
92	Ecorces à tan, même moulues	..	..	..
ex 100	Chevaux appartenant aux races dites Flamande, Brabançonne et Ardennaise (reines Kaltblut)— Valant jusqu'à 1,000 marcs par tête Valant plus de 1,000 jusqu'à 1,500 marcs par tête Poulains sevrés, importés jusqu'au 31 Décembre de l'année où ils sont nés Poulains de lait qui suivent leur mère	..	..	50 00 75 00 30 00 Libres.
	<i>Remarque.</i> —Les chevaux qui pourront être importés aux taux réduits doivent exclusivement appartenir à la race pure Flamande, Brabançonne, ou Ardennaise ou au croisement de ces races entre elles.	Par tête ..	..	..
	Pour jouir des taux réduits, les importateurs seront tenus de produire, pour chaque cheval, un certificat délivré par un Agent de l'État Belge, attestant que l'animal appartient exclusivement à la race pure Flamande, Brabançonne, ou Ardennaise ou au croisement de ces races entre elles.	..	..	..
	Les Gouvernements des deux Parties s'entendront sur la désignation des agents chargés de délivrer les dites attestations et sur le mode de délivrance de ces attestations. En cas de doute, les autorités Allemandes se réservent le droit de vérifier si le cheval importé présente les caractères et les aptitudes auxquels est subordonné le traitement de faveur.	..	..	..
ex 110	Volailles tuées, même dépécées, non préparées	100 kilog.	..	20 00
ex 115	Poissons, vivants ou non, frais, même congelés— Autres que les carpes	..	..	Libres.
ex 119	Coquillages de mer, vivants ou seulement bouillis ou salés, même dépouillés des écailles— Huîtres	100 kilog. poids brut	..	65 00 Libres.
ex 123	Moules Écrevisses de mer, vivantes ou non, même si elles sont seulement bouillies ou salées, même dépouillées des carapaces— Homards et langoustes	100 kilog. poids brut	..	65 00 24 00
ex 136	Crevettes Œufs de volaille, crus ou seulement cuits dans la coque, même teints, peints ou décorés autrement	100 kilog.	..	3 00

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
ex 163	Riz poli (glacé)	100 kilog.	M. pf. 4 00
ex 166	Huiles grasses en fûts, non spécialement dénommées au Tarif Général	"	9 00
ex 172	Oléine..	"	3 00
ex 227	Chaux calcinée, éteinte; phosphate de chaux naturel	"	Libres.
ex 230	Ciment de Portland, ciment Romain, ciment de pouzzolane, ciment de magnésie, ciment de laitier et autres ciments analogues, avec ou sans addition de matières colorantes ou autres, non moulus (briques de ciment, menu ciment, &c.), moulus, pilés; chaux moulue.	"	"
ex 233	Ardoises— En blocs bruts	"	"
ex 234	En plaques brutes, en tables brutes	100 kilog.	1 00
ex 234	<i>Remarque.</i> —Les plaques de plus de 20 centim. d'épaisseur sont à traiter comme blocs. Ardoises pour toitures	"	0 75
ex 238	Pierres (à l'exclusion des ardoises et des pavés), brutes ou simplement dégrossies, même sciées, mais sur trois côtés au plus, ou en plaques non fendues, non sciées (taillées); pierres moulues, non spécialement dénommées au Tarif Général	"	Libres.
ex 294	<i>Remarque.</i> —Seront considérés comme pierres simplement dégrossies les blocs simplement épincés ou roctés afin d'en enlever les parties inutiles en vue du transport.	"	Libres.
ex 296	Houille, anthracite; coke, même moulu, et briquettes de houille	"	"
ex 324	Sulfate de soude (sel de Glauber) et sulfate acide de soude (bisulfate de soude)	"	Libre.
ex 326	Sulfate de cuivre (vitriol bleu) et mélange de sulfate de cuivre et de sulfate de fer.	"	Libres.
ex 328	Céruse..	"	"
ex 329	Oxyde de zinc (blanc de zinc et gris de zinc), blanc de sulfure de zinc (lithopone)	"	2 00
ex 362	Extraits de bois de teinture, et extraits d'autres matières tinctoriales végétales— Liquides	100 kilog.	4 00
ex 329	Solides	"	0 30
ex 362	Craie lavée, et craie finement pulvérisée à la brosse ou autrement	"	Libres.
ex 362	Engrais phosphoreux, traités par des acides (superphosphates), même mélangés d'autres matières	"	Libres.

					100 kilog.	
ex 375	Colle de toute espèce (à l'exception de la colle albuminoïde), solide (ex 422/4) Fils de laine ou d'autres poils d'animaux, même mélangés de matières textiles ou fils textiles végétaux, le coton excepté, ne rentrant pas dans les Nos. 417 à 421 du Tarif Général—	..	..	..	..	3 00
422	Fils de laine peignée, écrus— Simples Retors à deux ou trois bouts Retors à quatre bouts ou plus	..	..	..	..	8 00 10 00 24 00
423	Fils de laine peignée, blanchis, teints, imprimés— Simples Retors à deux ou trois bouts Retors à quatre bouts ou plus	..	..	..	..	12 00 18 00 24 00
ex 424	Fils de laine cardée, écrus, simples <i>Remarque.</i> —Les fils grisailles (fils de laine artificielle) simples ne sont pas considérés comme teints, mais comme écrus. On désigne sous le nom de grisailles, les fils composés en tout ou en partie de déchets multicolores ou décolorés donnant au fil une nuance terne ou indécise qui ne permet pas de l'employer sans une nouvelle teinture, soit en écheveaux, soit en tissus. Les fils grisailles contenant jusqu'à 5 pour cent de coton seront considérés comme fils grisailles non mélangés.	..	..	..	..	8 00
ex 432	Tissus en fils de laine ou d'autres poils d'animaux, même mélangés de matières textiles ou fils textiles végétaux, ne rentrant pas dans les Nos. 427 à 431 du Tarif Général— Drap de laine feutrés, tissés sans fin, bruts, pour la fabrication des pâtes de bois, de cellulose ou de paille et des papiers Tissus, le mètre carré de surface tissée pesant plus de 200 grammes et jusqu'à 700 grammes	..	..	..	..	80 00 150 00
ex 453/5	Tissus de coton, grossiers, écrus, découpés en pièces ne dépassant pas 65 centim. de longueur et de largeur, dits torchons, fabriqués d'une trame exclusivement composée de déchets de coton, même lainés, ourlés et combinés avec d'autres matières textiles et quelques fils textiles teints (ex 453, 456, et 457) Couvertures de lit en coton, pesant 80 grammes ou plus par mètre carré, contenant dans un carré de 5 millim. de côté en chaîne et en trame cumulative- ment 35 fils ou moins, même découpées, lainées, ourlées ou tissées à franges— Écrues	..	..	..	..	7 50 50 00

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
			M. pf.
ex 456 ex 457	Tissus de coton, &c. (<i>suite</i>)— (ex 453, 456, et 457) Couvertures de lit en coton, &c. (<i>suite</i>)— Apprêtées, blanchies.. .. Teintes, imprimées ou en fils teints (ex 472/4) Fils de lin (fils de lin ou d'étaupe de lin), même mélangés de jute, mais sans mélange d'autres matières textiles— Simples, écrus— Jusqu'au No. 8 Anglais Au-dessus du No. 8 jusqu'au No. 14 Anglais Au-dessus du No. 14 jusqu'au No. 20 Anglais Au-dessus du No. 20 jusqu'au No. 35 Anglais Au-dessus du No. 35 jusqu'au No. 75 Anglais Au-dessus du No. 75 Anglais Simples, blanchis— Jusqu'au No. 20 Anglais A deux ou plusieurs bouts (retors), écrus, blanchis, teints, imprimés Fils de jute, sans mélange d'autres matières textiles, simples ou à plusieurs bouts, écrus— Jusqu'au No. 8 Anglais Au-dessus du No. 8 jusqu'au No. 14 Anglais Fils de matières textiles de la section 5 d du Tarif Général, sans mélange de coton ou de matières textiles animales, conditionnés pour la vente en détail, à deux ou plusieurs bouts (retors) Câbles, cordages, cordes, ficelles (ouvrages de cordier non tressés, formés uniquement par la torsion de fil de caret [(gros fil simple servant à faire les cordages)] de matières textiles de la section 5 d du Tarif Général sans mélange de coton ou de matières textiles animales— D'un diamètre de 5 millim. ou plus D'un diamètre de plus d'un millimètre, mais de moins de 5 millim., même conditionnés pour la vente en détail	100 kilog. " " " " " " " " 100 kilog. " " " "	60 00 80 00 5 50 6 00 6 50 9 50 12 00 Libres. 12 00 36 00 4 00 5 00 60 00 10 00 22 00
ex 473 474 ex 481			
ex 483			
484			

ex 487

Tapis de pied, importés en pièces à débiter au mètre ou ajustés (sans travail à l'aiguille), de fibres non réunies, tordues ou filées de jute ou de coco, même mélangés d'autres matières textiles ou fils textiles végétaux, ou de poils de bêtes bovines ou de fils de ces poils, en tant qu'ils ne rentrent pas dans le No. 427 du Tarif Général, tissés—

Teints, imprimés, en fils teints façonnés 100 kilog. 24 00
Autres, et couvertures de cordages goudronnés, tapis de pied goudronnés 12 00

(ex 492/3) Tissus de lin ou d'étoffe de lin, même mélangés d'autres matières textiles de la section 5 D du Tarif Général, ou mélangés de crins, mais sans mélange d'autres matières textiles animales ou de coton, ne rentrant pas dans les Nos. 486 à 491 du Tarif Général, unis, serrés—

Ecrus—

Ayant cumulativement en chaîne et en trame par carré de 2 centim. de côté—

Jusqu'à 40 fils 12 00
De 41 à 80 fils 24 00
De 81 à 120 fils 36 00
Plus de 120 fils 60 00

ex 493

Blanchis, teints, imprimés, en fils teints—

Ayant cumulativement en chaîne et en trame par carré de 2 centim. de côté—

Jusqu'à 120 fils 60 00
Plus de 120 fils 120 00

ex 496

Toile d'emballage de jute, sans mélange d'autres matières textiles de la section 5 D du Tarif Général, écrue, ayant cumulativement en chaîne et en trame par carré de 2 centim. de côté jusqu'à 40 fils.. .. . 10 00

ex 504

Toile cirée grossière, à surface lisse ou imprimée ou gaufrée; tissus cuir; toile d'emballage collée sur papier; toile cirée autre que grossière, à l'exception de la mousseline cirée et du taffetas ciré 30 00

ex 519

Corsets en tissus de coton même mélangé d'autres matières textiles végétales.. .. . 300 00

ex 520

Corsets en tissus de lin ou d'étoffe de lin 300 00

Remarque aux Nos. 519 et 520—Les corsets des espèces susmentionnées ne sont soumis à aucune surtaxe, s'ils sont ornés de dentelles ou de broderies, y compris les dentelles et les broderies entièrement ou partiellement en soie.

ex 527

Chaussures grossières en tissus serrés en jute, même mélangé de lin et de quelques fils textiles en coton, avec semelles cousues et composées de tresses d'étoffe de chanvre ou de jute rattachées entre elles par la couture, sans doublure, même combinées avec du cuir non laqué (dites espadrilles) 25 00

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
			M. pf.
ex 545	Cuir, y compris les croupons, la pièce pesant plus de 3 kilog., poids net, pour la fabrication de courroies de transmission contre permis sous contrôle de l'emploi	100 kilog.	22 00
ex 556	Chaussures en cuir de tous genres, même en peaux avec leurs poils ou en peaux de poisson ou de reptile, avec semelles autres qu'en bois— La paire pesant plus de 1,200 grammes	"	60 00
557	La paire pesant plus de 600 grammes jusqu'à 1,200 grammes La paire pesant 600 grammes ou moins	"	80 00
560	Courroies de transmission et bandes pour courroies de transmission en cuir de tous genres, ainsi qu'en peaux brutes dépouillées de leurs poils, même avec doublures ou couches intermédiaires d'ouvrages grossiers composés de fils textiles ou de feutre Articles en cuir pour la filature et le tissage, pourvu que la combinaison avec d'autres matières ne les soumette pas à des droits plus élevés— Lanières de couture, lanières pour foudets de chasse, lanières pour continues, cordes en cuir Dos à cardes, rubans à cardes; plaques à volants; bandes et plaques pour taquets; manchons pour continues ou bobinoires— La pièce pesant, poids net, 2 kilog. ou plus La pièce pesant, poids net, moins de 2 kilog.	"	50 00
ex 574	Tuyaux en caoutchouc souple— Pour bandages de roues de véhicules Autres en caoutchouc, à l'exception des tuyaux pour tiges de fleurs artificielles; en caoutchouc avec doublures de matières textiles végétales; en matières textiles végétales imprégnées ou enduites de caoutchouc ou réunies par des couches intermédiaires en caoutchouc; en caoutchouc surtressé ou surfilé de fils textiles; tous ces tuyaux même combinés avec des métaux communs ou des alliages de métaux communs	"	50 00
575	Courroies de transmission en ouvrages composés de fils textiles et imprégnées ou enduites de caoutchouc ou avec doublures ou couches intermédiaires de caoutchouc; en caoutchouc avec doublures ou couches intermédiaires d'ouvrages composés de fils textiles	"	65 00
			60 00
			40 00
			40 00

573	Bandages en caoutchouc pour roues de véhicules; même chapes pour les tuyaux destinés aux roues de véhicules, en ouvrages composés de fils textiles, et imprégnés ou enduites de caoutchouc ou réunies par des couches intermédiaires de caoutchouc	60 00
ex 579	Ouvrages non autrement dénommés au Tarif Général, en caoutchouc souple (même vulcanisé), ou qui en sont recouverts en tout ou en partie, pourvu que la combinaison avec d'autres matières ne les soumette pas à des droits plus élevés— Non laqués, non teints, non imprimés; plaques de caoutchouc avec ouvrages composés de fils textiles ou avec feutre insérés ou appliqués par laminage; garnitures de piston, garnitures de boîtes à étoupe et cordes de bourrage en fils textiles, en ouvrages grossiers composés de fils textiles ou en feutre combinés avec du caoutchouc ou de l'acide stéarique du talc, du suif, ou de l'amianté, ainsi que d'autres garnitures de piston et cordes de bourrage analogues.. .. .	40 00
625	(ex 625-6) Meubles et parties de meubles, communs (non rembourrés), non plaqués— En bois tendre— Bruts Travaillés	6 00 10 00
ex 626	En bois dur, à l'exception des meubles et des parties de meubles en bois massif courbé— Bruts Travaillés	12 00 14 00 3 00
ex 628	Sabots en bois bruts, même avec brides en cuir non teint ou simplement noirci	3 00
ex 629	Sabots en bois noirs ou brunis à la fumée ou à l'acide pyroligneux, même avec brides en cuir non teint ou simplement noirci	3 00
ex 633	Meubles rembourrés, même avec mortures autres qu'en bois, pourvu que leurs combinaisons ne les soumettent pas à des droits plus élevés, recouverts— D'ouvrages composés de fils en tout ou en partie en soie, de dentelles, de broderies, peluche, de tissus veloutés ou pelucheux; de cuir Papier d'emballage, coloré dans la masse, même lissé sur une face Papier ne rentrant pas dans d'autres numéros du Tarif Général, y compris le papier-carton, même ligné, parcheminé ou grainé	50 00 3 00 6 00

Remarques aux Nos. 654 et 655.—Le papier d'emballage sera tarifé suivant qualité d'après les Nos. 654 ou 655, même lorsqu'il est revêtu d'un texte qui en explique l'usage, d'annonces-réclames, de dessins, ou d'autres impressions de ce genre.

654
655

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
			M. pf.
656	Papier colorié, y compris le papier enduit de craie, de céruse, ou d'autres substances analogues ou revêtu d'impressions métalliques; papier verni; papier recouvert de paillettes de mica ou de verre, de métaux en poudre ou de bourse tontisse; papier recouvert d'une couche métallique appliquée à l'enduit, par superposition ou par la galvanoplastie, ainsi que papier doré ou argenté sur tranches Papier de tenture et bordures en papier de tenture de tous genres, ni dorés ni argentés, ni bronzés, ni gaufrés, ni veloutés Cornets, poches, sacs, sacs pliants (sacs à soufflet), boîtes pliantes et autres récipients de ce genre, et enveloppes de lettres, imprimés ou non— Non combinés avec d'autres matières.. Combinés avec des ouvrages composés de fils textiles, de la gélatine, des feuilles d'étain, du papier recouvert d'une couche métallique ou avec d'autres substances analogues.. Pierre calcaire polissable, sciée sur plus de trois côtés et brute sur les côtés non sciés, ou n'ayant subi de ces côtés qu'un simple dégrossissage <i>Remarque.</i> —Ne seront pas considérés comme sciés mais comme bruts les côtés des dites pierres taillés au fil hélicoïdal, en tant que les traits du fil hélicoïdal y pourront être reconnus ou que l'emploi de cet appareil sera prouvé par l'importateur.	100 kilog.	8 00
ex 660			12 00
665			12 00
ex 680			20 00
681	Pavés .. Plaques de marbre, sciées (taillées) ou refendues, ni égrissées, ni rabotées, ni polies, ni émaillées .. <i>Remarque au No. 682.</i> —Les plaques de plus de 16 centim. d'épaisseur sont à tarifer, selon l'espèce, d'après le No. 680.	"	0 20
ex 682			2 50
ex 685	Ouvrages de tailleur de pierres en pierre calcaire polissable, non égrissés, non rabotés, même combinés avec du bois ou du fer non laqués ni polis, d'un travail uni et simple, non moulurés, non tournés, non ornements— Uniquement épincés ou roctés.. Autres .. <i>Remarque.</i> —Seront considérés comme non ornements les ouvrages de tailleur de pierres de l'espèce même en tout ou en partie charués (ciselés) ou bouchardés avec	"	0 50
			1 00

ex 714	une simple bordure charvée (ciselée). Dans les deux cas, le charriage (ciselure) pourra être fait en lignes régulières ne formant pas de dessin.	0 05
	Briques en terre à briques se colorant par la cuisson, non cuites ou cuites, non vernissées, ne rentrant pas dans le No. 713 du Tarif Général—	0 05
ex 716	Rigueuses (briques de maçonnerie) Lisses (briques de revêtement) Dalles de pavage d'une épaisseur de 3 centim. ou plus, en argile ou en grès commun, unicolores, non vernissées ou vernissées.. .. .	0 50
725	Remarque.—Dalles de pavage d'une épaisseur de 3 centim. ou plus, en argile ou en grès commun, si elles sont multicolores, sont à tarifier comme dalles de carrelage multicolores (No. 728).	
ex 728	Creusets, cornues, mouffes, cazettes, tuyaux, cylindres, plaques, buses, et autres produits réfractaires moulés en argile ou en masse argileuse, ne rentrant pas dans la catégorie des briques, vernissés ou non, et creusets en ciment de magnésie ou en lardite Dalles de carrelage en argile ou en pâte argileuse frittée, y compris les dalles de pavage en argile ou en grès commun d'une épaisseur de moins de 3 centim., non vernissées ou vernissées, unies ou ornementées—	1 50
	Unicolores	2 00
ex 733	Multicolores	4 00
ex 737	Isolateurs en porcelaine blanche, servant à l'électricité (ex 737/40) Gobeletterie (verre creux)— Non moulée, ni égrisée, ni polie, ni adoucie, ni taillée, ni gravée au mordant, ni ornée de dessins : blanche (même mi-blanche) transparente, même avec quelques anneaux en verre blanc (même mi-blanc) massif	10 00
738	Uniquement avec fonds moulés ou avec bouchons façonnés ou ornementés par l'égrissage, le moulage, &c.—	8 00
	Colorée ou blanche opaque, même doublée de verre coloré ou de verre blanc opaque..	15 00
739	Autre Autrement moulée, égrisée, polie, adoucie, taillée, gravée au mordant, ou ornée de dessins—	12 00
	Colorée ou blanche opaque, même doublée de verre coloré ou de verre blanc opaque..	15 00
740	Autre Peinte, dorée ou argentée, même ornée de dessins en couleurs fixées à froid ou par la cuisson	12 00
		20 00

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
			M. pf.
741	(ex 741/3) Glaces et verre en tables (à vitre), non autrement dénommés au Tarif Général— Ni dressés, ni polis, ni taillés, ni ornés de dessins, ni cannelés, ni écaillés, ni bombés, ni matés, ni gravés au mordant, ni doublés, ni facettés, ni étamés : non colorés, non opaques— Glaces coulées ou soufflées Glace brute (plaques coulées brutes) d'une épaisseur de plus de 5 millim., même cannelée Verre en tables, y compris la glace brute d'une épaisseur de 5 millim. ou moins, cette dernière même cannelée, lorsque la hauteur simple et la largeur simple atteignent ensemble— 120 centim. ou moins Plus de 120 et jusqu'à 200 centim. Plus de 200 centim. Glaces polies et plaques coulées, polies (ex 778/829) Fer et alliages de fer— Tuyaux, y compris les tuyaux façonnés, en fonte non malléable, de plus de 7 millim. d'épaisseur, bruts <i>Remarques.</i> —1. Par tuyaux façonnés, on entend les tuyaux courbes, les tuyaux coudés, les tuyaux en T, en croix, ou autres formes analogues. 2. Seront traités comme bruts les tuyaux, y compris les tuyaux façonnés, en fonte non malléable, même recouverts de goudron par peinture ou par immersion, et simplement ébarbés sur quelques points. Fonte non malléable, non autrement dénommée au Tarif Général, brute— La pièce pesante, poids net— Plus de 100 kilog. Plus de 40 jusqu'à 100 kilog. 40 kilog. ou moins	100 kilog. " " 100 kilog. poids brut " " " 100 kilog. " " " 100 kilog.	4 00 3 00 6 00 8 00 10 00 24 00 2 50 2 50 3 00 3 50
ex 743			
ex 778			
782			

ex 794	Tuyaux laminés ou étirés, ne rentrant pas dans le No. 793 du Tarif Général, bruts, d'une épaisseur de 2 millim. ou plus..	..	..	5 00
ex 796	Rails pour changements de voie, coeurs de croisement en fer malléable, même troués et avec encoches au patin; traverses pour chemins de fer; éclisses et plaques d'about pour chemins de fer ..	..	..	2 50
797	Essieux pour chemins de fer, fers pour roues de chemins de fer (moyeux, bandages de roues, centres de roues, couronnes de roues), roues pour chemins de fer, trains de roues pour chemins de fer ..	..	..	2 50
ex 798	Fonte malléable, pièces forgées et autres ouvrages en fer malléable, non autrement dénommés au Tarif Général, bruts, la pièce pesant, poids net, 3 kilog. ou moins ..	..	..	6 00
800	Pièces de construction en fer malléable, même revêtues d'une couche de peinture..	..	..	4 50
ex 806	Enclumes, bigornes, ancras, leviers; marteaux et étaux, la pièce pesant, poids net, plus de 10 kilog. ..	..	..	3 00
ex 807	Cries et autres appareils de levage transportables ..	..	..	3 00
	<i>Remarque.</i> —Les chaînes et cordes séparables des appareils de levage de ce genre sont à tarifier séparément.			
ex 820	Boulons d'éclisses pour chemins de fer, tirefonds, triangles d'écartement, plaques de serrage, crampons pour rails; supports d'isolateurs—	..	..	3 00
	Bruts ..	..	..	
	Vis et rivets, la tige ayant un diamètre de plus de 13 millim.; écrous et rondelles pour écrous; fers à cheval, crampons à vie et crampons pointus—	..	..	
	Bruts ..	..	..	5 00
ex 821	Ferrures de wagons, pièces pour changements de voie et pour signaux, bruts ..	..	..	6 00
ex 824	Tamppons pour chemins de fer, bruts ..	..	..	3 00
	Ressorts pour voitures de chemins de fer, bruts ou adoucis uniquement aux bouts des lames et aux bords; ressorts à tampons ..	..	..	3 00
ex 828	Ustensiles de ménage ou de cuisine en tôle, émaillés, même parties de ces ustensiles ..	..	..	7 50
ex 829	Chaînes (à l'exception des chaînes pour vélocipèdes) et parties de chaînes, brutes—	..	..	
	De tannage ..	..	..	1 50
	Autres ..	..	..	5 00
855	Zinc brut (en blocs, planches, masses, disques, larnes) ..	..	..	Libres.
856	Zinc étiré, laminé (tôle), brut—	..	..	
	D'une épaisseur de plus de 0.25 millim. ..	..	..	3 00
	D'une épaisseur de 0.25 millim. ou moins ..	..	..	4 00
		100 kilog.	..	

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
			M. pf.
875	Toiles métalliques en tous genres pour usages industriels, notamment pour la fabrication du papier, sans fin ou en rouleaux ou pièces, de fils de cuivre ou d'alliages de cuivre, même avec intérieur de fils textiles; rouleaux égoutteurs de cuivre ou d'alliages de cuivre, unis ou cannelés, avec ou sans filigrane..	100 kilog.	30 00
876		"	18 00
877		"	30 00
878	Ouvrages grossiers en cuivre et ouvrages grossiers en laiton coulé, non autrement dénommés au Tarif Général; tuyaux coulés, soudés, laminés ou étirés, y compris les tuyaux à manchons ou à brides, ainsi que les raccords pour tuyaux et les tuyaux façonnés, même courbés, en cuivre ou laiton; tous ces objets ni laqués, ni polis, ni nickelés, même combinés avec d'autres matières, pourvu qu'ils ne rentrent pas dans le No. 874 du Tarif Général ou que la combinaison avec d'autres matières ne les soumette pas à des droits plus élevés: ressorts à boudin en fils de cuivre ou de laiton, non polis, non laqués	"	18 00
879		"	30 00
880	Ouvrages autres que grossiers en cuivre ou en laiton coulé, non autrement dénommés au Tarif Général; tous les ouvrages laqués ou polis en cuivre (à l'exception des ustensiles de ménage ou de cuisine) ou en laiton coulé; ouvrages en tôle de laiton (hormis les tuyaux); ouvrages en fils de cuivre ou de laiton, non autrement dénommés au Tarif Général; ouvrages en tombac, tous ces ouvrages, pourvu qu'ils ne rentrent pas dans les Nos. 874, 879, ou 887 du Tarif Général ou que la combinaison avec d'autres matières ne les soumette pas à des droits plus élevés; cuivre en feuilles et laiton en feuilles	"	60 00
		"	60 00

Tarif Général ou que la combinaison avec d'autres matières ne les soumette pas à des droits plus élevés—

Fins, notamment tous les ouvrages polis, nickelés, peints, laqués, ou vernis 60 00
 Autres que fins, ni polis, ni nickelés, ni peints, ni laqués, ni vernis; feuilles 30 00
Machines à vapeur, moteurs hydrauliques (à turbines, à roues ou à piston), moteurs à combustion ou à explosion, moteurs à air chaud ou à air comprimé et autres machines motrices non dénommées au Tarif Général (hormis les électro-moteurs), même combinés avec des machines dynamo-électriques, pompes, marteaux, machines soufflantes, machines frigorifiques, machines d'extraction; en outre dragues, sonnettes et grues, fixes, roulantes, ou flottantes—

La machine pesant, poids net—

40 kilogrammes ou moins—

Moteurs à combustion ou à explosion pour vélocipèdes à moteur 75 00

Plus de 1,000 kilog. et jusqu'à 2,500 kilog.—

Machines à vapeur, machines hydrauliques à piston, moteurs à pétrole ou à benzine 8 00

Autres machines dénommées ci-dessus 10 00

Plus de 2,500 kilog. et jusqu'à 5,000 kilog.—

Machines à vapeur, machines hydrauliques à piston, moteurs à pétrole ou à benzine 6 50

Autres machines dénommées ci-dessus 8 00

Plus de 5,000 kilog. et jusqu'à 50,000 kilog.—

Machines à vapeur combinées avec des pompes, marteaux, machines, soufflantes, ... 5 00

machines frigorifiques ou machines d'extraction; grues 5 50

Autres machines à vapeur, machines hydrauliques à piston, moteurs à gaz de 6 00

hauts-fourneaux

Autres machines dénommées ci-dessus

Plus de 50,000 kilog. et jusqu'à 100,000 kilog.—

Machines à vapeur combinées avec des pompes, marteaux, machines soufflantes, ... 4 50

machines frigorifiques ou machines d'extraction; grues

Autres machines à vapeur, machines hydrauliques à piston, moteurs à gaz de 5 00

hauts-fourneaux

Autres machines dénommées ci-dessus 5 00

Remarque.—Seront assimilées aux machines à vapeur combinées avec des pompes, les machines à vapeur combinées avec des machines d'exhaure, et aux machines à vapeur combinées avec des machines soufflantes, les machines à vapeur combinées avec des machines de ventilation.

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
ex 899	Machines, non autrement dénommées au Tarif Général, pour la préparation de l'ouvrage de la laine ou d'autres poils d'animaux ; machines pour le filage ou le tordage de la laine ou d'autres poils d'animaux, y compris les machines pour le dévidage, bobinage ou pelotage des fils de ces matières textiles, ainsi que machines à préparer lesdits fils pour le tissage	100 kilog.	4 50
ex 900	<i>Remarque.</i> —Les machines servant au cardage des matières textiles, mais ne faisant pas corps avec les garnitures de cardes, sont reprises au No. 899.	"	4 50
ex 902	Machines à tisser, pour le tissage de fils de laine ou d'autres poils d'animaux	"	4 50
904	Machines à apprêter les fils ou les ouvrages en fils de laine ou d'autres poils d'animaux, pourvu qu'elles ne rentrent pas dans le No. 874 du Tarif Général	"	4 50
	Machines à travailler les métaux, les bois ou les pierres ; presses de forge à vapeur ou hydrauliques ; machines à river et marteaux mécaniques (marteaux-pilons, marteaux à air comprimé, marteaux à ressort et autres marteaux actionnés par transmission de force)	"	12 00
	La machine pesant, poids net—	"	8 00
	250 kilogrammes ou moins	"	6 00
	Plus de 250 et jusqu'à 1,000 kilog...	"	5 00
	Plus de 1,000 et jusqu'à 3,000 kilog.	"	4 00
	Plus de 3,000 et jusqu'à 10,000 kilog.	"	4 00
	Plus de 10,000 kilog.	"	4 00
905	Charrues à moteur, même avec leurs machines motrices ; faucheuses	"	4 00
ex 906	Machines soufflantes, machines de ventilation, pompes, machines d'exhaust, machines d'extraction, machines pour le triage, le lavage et le broyage du charbon et des minerais, machines à mouler les briquettes, broyeurs à mortier, machines de levage, machines frigorifiques, machines à polir les glaces, machines à fabriquer et à travailler les cloches en feutre de poils pour chapeaux ; toutes ces machines pourvu qu'elles ne rentrent pas dans un autre numéro du Tarif Général—	"	7 00
	La machine pesant, poids net—	"	7 00
	Plus de 100 et jusqu'à 200 kilog.	"	7 00

6 00
5 50
5 00
4 50
3 00

..
..
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..

Plus de 200 et jusqu'à 400 kilog.
Plus de 400 et jusqu'à 1,000 kilog... ..
Plus de 1,000 et jusqu'à 5,000 kilog.
Plus de 5,000 et jusqu'à 10,000 kilog.
Plus de 10,000 kilog.

Remarques aux Nos. 894, 899, 900, 902, 904, 905.—Les machines peuvent être introduites aux taux conventionnels, même à l'état démonté, aux conditions mentionnées ci-dessous, soit que les parties de la machine entrent en même temps ou successivement en divers envois.

Tous les envois partiels des parties de la machine doivent être présentés en douane au même bureau et dans un délai déterminé, à indiquer par l'importateur au moment de la présentation du premier envoi et ne dépassant pas deux mois.

En introduisant une machine à l'état démonté ou quelques parties détachées de la machine, l'importateur doit présenter, en même temps que la déclaration, les plans et dessins de la machine complète, ainsi qu'une liste des pièces importantes, d'après leur nature, le numéro et le poids de chaque pièce, en indiquant approximativement le poids total des petites pièces accessoires.

Si, après l'expédition de quelques parties détachées de la machine, les autres parties ne sont pas présentées en douane dans le délai fixé, on devra, pour les parties déjà importées, payer ou bien les droits établis pour les parties détachées de machines ou bien, si le Tarif ne prévoit pas des droits spéciaux pour ces dernières, les droits établis d'après la matière dont sont fabriquées les parties détachées. Toutefois, l'absence de quelques pièces accessoires de peu d'importance n'empêchera pas l'application du droit établi pour la machine entière.

Jusqu'à l'expédition définitive de toutes les parties de l'envoi, la Douane a la faculté d'exiger une garantie pour les taux plus élevés à payer le cas échéant, et de munir d'une marque d'identité les pièces introduites par parties; elle a aussi la faculté de vérifier, aux frais du contribuable, après le montage de la machine, que toutes les pièces composant les envois partiels appartiennent à la machine en question.

Les pièces de rechange ou de réserve payeront toujours les droits d'entrée séparément.

No. du Tarif Général Allemand.	Désignation des Marchandises.	Base.	Droit.
ex 914	Véhicules pour voies ferrées, sans combinaison avec des machines motrices— Voitures de marchandises non couvertes ou couvertes.	100 kilog.	M. pf. 3 00
ex 915	<i>Remarque.</i>—Les caisses de voitures, les châssis pour voitures avec trains de roues, ainsi que les caisses de voitures faisant corps avec des châssis sans trains de roues, seront soumis, selon leur nature, aux droits des véhicules terminés. Les dites parties seront traitées comme voitures de marchandises, si la catégorie spéciale des véhicules dans la construction desquelles elles doivent entrer ne peut pas être reconnue. Vélocipèdes à moteur— La pièce pesant, poids net— 50 kilog. ou moins Plus de 50 kilog. et jusqu'à 100 kilog. Plus de 100 kilog. et jusqu'à 250 kilog. Vélocipèdes, même aménagés pour recevoir des voyageurs, pour transporter des marchandises ou pour traîner d'autres voitures (919/20) Parties de vélocipèdes (excepté les machines motrices et les parties de ces machines)— En fer—		100 00 75 00 70 00 100 00
919	Brutes.. .. . Ouvrées		25 00 100 00
920	En d'autres métaux communs ou alliages de métaux communs, en bois, liège, caoutchouc durci, corne, cuir, celluloïd, ou matières à mouler similaires à ce dernier; roues finies pour vélocipèdes		100 00
ex 926	Armes à feu portatives en tous genres en métaux communs ou en alliages de métaux communs, à l'exception des armes de guerre		60 00
927	Sous-gardes, ressorts, chiens et canons de fusil, même parties de ces objets, ainsi que		

d'autres parties d'armes à feu portatives (hormis les platines et les obturateurs), en métaux communs ou en alliages de métaux communs—									
Bruts	..	..	..	..	..	..	..	..	6 00
Canons de fusil, simplement forés et tournés ou aiguisés	..	..	..	..	..	..	..	..	10 00
Canons de fusil ouverts autrement; autres parties d'armes à feu portatives (hormis les platines et les obturateurs), ouvrées	..	..	..	..	..	..	..	..	24 00
Platines et obturateurs pour armes à feu portatives, même parties de ces objets—									
Grossièrement ébauchés	..	..	..	..	..	..	..	..	24 00
Autres	..	..	..	..	..	..	..	..	60 00

923

Remarques aux Nos. 927 et 928.—Les canons et montures pour armes à feu portatives avec platines, couvre-culasses ou obturateurs y adaptés ou importés dans le même emballage sont à tarifer d'après le No. 926.

PROTOCOLE DE SIGNATURE.

PAR suite des modifications et additions y apportées par le Traité Additionnel de ce jour, le Traité de Commerce et de Douane entre la Belgique et l'Allemagne du 6 Décembre, 1891, et le Protocole de Clôture y appartenant ont reçu, dans leurs dispositions matérielles, la teneur suivante* :

I.—TRAITÉ.

ART. I. Les ressortissants de l'une des Parties Contractantes qui s'établissent dans le territoire de l'autre Partie ou qui y résident temporairement, y jouiront, relativement à l'exercice du commerce et des industries, des mêmes droits et n'y seront soumis à aucune imposition plus élevée ou autre que les ressortissants de la nation la plus favorisée sous ces rapports.

Les ressortissants de chacune des Parties Contractantes seront exempts, sur le territoire de l'autre, de tout service militaire aussi bien dans l'armée régulière et la marine que dans la milice et la garde civile.

Ils ne seront astreints, en temps de paix et en temps de guerre, qu'aux prestations et aux réquisitions militaires imposées aux nationaux et ils auront réciproquement droit aux indemnités établies en faveur des nationaux par les lois en vigueur dans les deux pays.

II. Les produits du sol et de l'industrie de la Belgique qui seront importés en Allemagne, et les produits du sol et de l'industrie de l'Allemagne qui seront importés en Belgique, destinés, soit à la consommation, soit à l'entreposage, soit à la réexportation ou au transit, seront soumis au même traitement et ne seront passibles de droits ni plus élevés ni autres que les produits de la nation la plus favorisée sous ces rapports. Nommément, toute faveur, toute immunité et toute réduction du tarif des droits d'entrée que l'une des Parties Contractantes accordera à une tierce Puissance, sera immédiatement et sans condition étendue aux produits du sol et de l'industrie de l'autre.

III. Les produits du sol et de l'industrie de l'Allemagne, énumérés dans le Tarif (A), joint au présent Traité, à leur importation en Belgique, et les produits du sol et de l'industrie de la Belgique

* Le Traité actuel de Commerce et de Douane conclu le 6 Décembre, 1891, avec les modifications et additions y apportées par le Traité Additionnel du 22 Juin, 1904, produira ses effets jusqu'au 31 Décembre, 1917, et éventuellement après cette date jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

énumérés dans le Tarif (B), joint au présent Traité, à leur importation en Allemagne, ne seront assujettis à des droits d'entrée autres, ni plus élevés que ceux fixés dans les dites annexes.

Si l'une des Parties Contractantes venait à établir un nouveau droit intérieur ou un supplément de droit intérieur sur un article de production ou de fabrication nationale compris dans le Tarif (A) ou (B) annexé au présent Traité, l'article similaire pourra être grevé, à l'importation, d'un droit égal ou correspondant.

IV. Les droits intérieurs, perçus pour le compte de l'État, de communes, ou de corporations qui grèvent ou grèveront la production, la fabrication ou la consommation d'un article dans le territoire d'une des Parties Contractantes, ne frapperont sous aucun prétexte les produits de l'autre Partie d'une manière plus forte ou plus gênante que les produits similaires indigènes.

V. A l'exportation vers la Belgique, il ne sera perçu en Allemagne, et à l'exportation vers l'Allemagne, il ne sera perçu en Belgique, d'autres ni de plus hauts droits de sortie qu'à l'exportation des mêmes objets vers le pays le plus favorisé à cet égard. De même, toute autre faveur accordée par l'une des Parties Contractantes à une tierce Puissance à l'égard de l'exportation, sera immédiatement et sans condition étendue à l'autre.

VI. Le transit des marchandises venant de la Belgique ou y allant sera exempt en Allemagne, et le transit des marchandises venant de l'Allemagne ou y allant sera exempt en Belgique, de tout droit de transit, sans préjudice du régime spécial concernant la poudre à tirer et les armes de guerre.

VII. Les Parties Contractantes s'engagent à n'empêcher le trafic réciproque entre les deux pays par aucune prohibition d'importation, d'exportation, ou de transit.

Des exceptions, en tant qu'elles soient applicables à tous les pays ou aux pays se trouvant dans les mêmes conditions, pourront avoir lieu dans les cas suivants :—

(1.) Pour les provisions et munitions de guerre dans des circonstances extraordinaires.

(2.) Pour des raisons impérieuses de sécurité publique ; pour des raisons de police sanitaire ou dans le but de protéger les animaux ou les plantes utiles contre les maladies ou les insectes et parasites nuisibles.

(3.) En vue de l'application, aux marchandises étrangères, des prohibitions ou restrictions arrêtées par des lois intérieures à l'égard de la production, du trafic ou du transport à l'intérieur des marchandises indigènes similaires.

VIII. Les dispositions du présent Traité ne s'appliquent pas aux faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à d'autres États limitrophes pour faciliter le trafic

local dans une zone correspondant au district-frontière de chacun des deux pays, mais qui ne dépassera pas 15 kilom. de largeur de chaque côté de la frontière.

IX. Les négociants, les fabricants, et autres industriels qui prouveront, par la possession d'une carte de légitimation délivrée par les autorités de leur pays, qu'ils sont autorisés à exercer une industrie dans l'État où ils ont leur domicile pourront, soit personnellement, soit par des commis-voyageurs à leur service, faire des achats et, même en portant des échantillons avec eux, rechercher des commandes dans le territoire de l'autre Partie Contractante. Aussi longtemps que les dits négociants, fabricants et autres industriels ou commis-voyageurs établis en Belgique, voyageant en Allemagne pour le compte d'une maison Belge, seront exempts du paiement d'un droit de patente ou de l'impôt sur le revenu, par réciprocité il en sera de même pour les négociants, fabricants, et autres industriels ou commis-voyageurs établis en Allemagne, voyageant en Belgique pour le compte d'une maison Allemande, le droit de la nation la plus favorisée restant d'ailleurs réciproquement sauvegardé.

Les industriels (commis-voyageurs) qui seront munis d'une carte de légitimation pourront avoir avec eux des échantillons, mais point de marchandises.

Les cartes de légitimation seront délivrées conformément au modèle de l'Annexe (C).

Les Parties Contractantes se donneront réciproquement connaissance des autorités chargées de délivrer les cartes de légitimation, ainsi que des dispositions auxquelles les voyageurs doivent se conformer dans l'exercice de leur commerce.

Les objets passibles d'un droit de douane qui seront importés comme échantillons, seront, de part et d'autre, admis en franchise de droits d'entrée et de sortie, à la condition que ces objets, sans avoir été vendus, soient réexportés dans un délai fixé à l'avance, et que l'identité des objets importés et réexportés ne soit pas douteuse.

La réexportation des échantillons devra être garantie dans les deux pays à l'entrée, soit par le dépôt du montant des droits de douane respectifs, soit par cautionnement.

X. Sur les chemins de fer, il ne sera fait de différence entre les habitants des territoires des Parties Contractantes, ni quant aux prix de transport, ni quant au temps et au mode de l'expédition. Notamment, les envois passant du territoire de l'une des Parties Contractantes dans le territoire de l'autre ou qui y transitent ne seront pas traités, sous le rapport de l'expédition ou des prix de transport, moins favorablement que ceux qui partent des territoires respectifs soit pour une destination à l'intérieur, soit pour l'étranger, pourvu

que le transport ait lieu sur la même ligne et dans la même direction.

XI. Dans ses rapports avec la Douane, le service international des chemins de fer reliant entre eux les territoires des Parties Contractantes sera régi par les dispositions de l'Annexe (D).

XII. Le présent Traité s'étend aussi aux pays ou territoires unis, actuellement ou à l'avenir, par une Union Douanière à l'une des Parties Contractantes.

XIIA. S'il s'élevait entre les Parties Contractantes un différend sur l'interprétation ou l'application des Tarifs (A) et (B) annexés au présent Traité ou sur l'application, en fait, en ce qui concerne tout autre Tarif conventionnel, de la clause assurant aux deux Parties Contractantes le traitement de la nation la plus favorisée, le litige, si l'une des Parties en fait la demande, sera réglé par la voie de l'arbitrage.

Pour chaque litige, le Tribunal Arbitral sera constitué de la manière suivante : Chacune des Parties nommera comme Arbitre, parmi ses nationaux, une personne compétente, et les deux Parties s'entendront sur le choix d'un tiers Arbitre, ressortissant d'un tiers État ami.

Les Parties Contractantes se réservent de désigner à l'avance et pour une période à déterminer, la personne qui remplirait, en cas de litige, les fonctions de tiers Arbitre.

Le cas échéant, et sous la réserve d'une entente spéciale à cet effet, les Parties Contractantes soumettront aussi à l'arbitrage les différends qui pourraient s'élever entre elles au sujet de l'interprétation et de l'application d'autres clauses du présent Traité que celles prévues à l'alinéa premier.

En ce qui concerne la procédure de l'arbitrage dans les cas prévus à l'alinéa premier, les Parties Contractantes sont convenues de ce qui suit :—

Au premier cas d'arbitrage, le Tribunal Arbitral siégera dans le pays de la Partie Contractante défenderesse ; au second cas, dans le pays de l'autre Partie, et ainsi de suite, alternativement dans chacun des deux pays. Celle des Parties sur le territoire de laquelle siégera le Tribunal désignera le lieu du siège ; elle aura la charge de fournir les locaux, les employés de bureau et le personnel de service nécessaires pour le fonctionnement du Tribunal. Le Tribunal sera présidé par le tiers Arbitre. Les décisions seront prises à la majorité des voix.

Les Parties Contractantes s'entendront soit dans chaque cas d'arbitrage, soit pour tous les cas, sur la procédure à suivre par le Tribunal. A défaut de cette entente, la procédure sera réglée par le Tribunal lui-même. La procédure pourra se faire par écrit, si aucune des Parties n'élève d'objections. Dans ce cas, les dispositions de l'alinéa qui précède pourront être modifiées.

Pour la transmission des citations à comparaître devant le Tribunal Arbitral et pour les Commissions Rogatoires émanées de ce dernier, les autorités de chacune des Parties Contractantes prêteront, sur la réquisition du Tribunal Arbitral adressée au Gouvernement compétent, leur assistance de la même manière qu'elles la prêtent lorsqu'il s'agit de réquisitions des Tribunaux Civils du pays.

Les Parties Contractantes s'entendront sur la répartition des frais, soit à l'occasion de chaque arbitrage, soit par une disposition applicable à tous les cas. A défaut d'entente, l'Article LVII de la Convention de La Haye du 29 Juillet, 1899,* sera appliqué.

II.—ANNEXES AU TRAITÉ.

Observations.

Les Annexes (A) et (B), mentionnées à l'Article III du Traité, ont été remplacés par les Tarifs (A) et (B) annexés au Traité Additionnel.

Les Annexes (C) et (D), mentionnées aux Articles IX et XI, n'ont subi aucune modification; elles restent donc rédigées comme suit :

Annexe (C).

(Modèle.)

Carte de Légitimation pour Voyageurs de Commerce.

Pour l'année 19 .

No. de la carte .

(Armoiries.)

Valable pour la Belgique, l'Empire Allemand, et le Luxembourg.

Porteur :

(Prénoms et nom de famille.)

Fait à , le , 19 .

(Autorité compétente.)

(Sceau.)

(Signature.)

Il est certifié que le porteur de la présente carte
 { possède un [*désignation de la fabrique ou du commerce*] à
 { sous la raison
 { est employé, comme voyageur de commerce, dans la maison
 { à , qui y possède un [*désignation de la fabrique ou du*
 { *commerce*].

Le porteur de la présente carte désirant rechercher des commandes et faire des achats pour le compte de sa maison, ainsi que

de la maison suivante [désignation de la fabrique ou de commerce], à
des maisons suivantes

, il est certifié, en outre, que la dite maison est tenue
les dites maisons sont tenues
d'acquitter dans ce pays-ci les impôts légaux pour l'exercice de
son commerce [industrie].
leur

Signalement du Porteur :

Age : _____

Taille : _____

Cheveux : _____

Marques particulières : _____

Signature : _____

Avis.

Le porteur de la présente carte ne pourra rechercher des commandes ou faire des achats autrement qu'en voyageant et pour le compte de la maison susmentionnée. Il pourra avoir avec lui des des maisons susmentionnées échantillons, mais point de marchandises. Il se conformera, d'ailleurs, aux dispositions en vigueur dans chaque État.

Nota.—Là où le modèle ci-dessus contient un double texte, le formulaire à employer pour l'expédition des cartes présentera l'espace nécessaire pour y insérer l'un ou l'autre des textes, suivant les circonstances du cas particulier.

Annexe (D).

*Dispositions relatives au Service International des Chemins de Fer
dans ses Rapports avec la Douane.*

1.—*Convois de Marchandises.*

1. Toutes marchandises placées dans des wagons donnant les sûretés voulues au point de vue de la fermeture et scellés à l'aide de plombs ou de cadenas, seront dispensées de la visite par la Douane aux bureaux-frontières respectifs, soit à l'entrée, soit à la sortie, tant de nuit que de jour, les Dimanches et jours fériés comme tout autre jour.

Le conditionnement des wagons devra être conforme aux règles arrêtées par la Conférence de Berne du 15 Mai, 1886, pour garantir, au point de vue de la Douane, la sûreté de la fermeture des wagons utilisés dans le service international des chemins de fer, ainsi qu'aux modifications et dispositions complémentaires qui seraient apportées aux dites règles.

Les colis qui, après le chargement des wagons ci-dessus désignés, formeront excédent de charge ou qui ne seront pas en assez grand nombre pour remplir un de ces wagons, pourront, sans perdre le bénéfice de la dispense de visite, être placés soit dans un compartiment de wagon, soit dans des caisses ou paniers d'une contenance d'au moins 0·309 mètre cube, agréés préalablement par la Douane et mis sous plombs ou cadenas. Aucune limite, quant à la dimension, n'est exigée pour les caisses, paniers, ou sacs employés par l'administration des postes respectives.

2. Les localités sur lesquelles les convois de marchandises qui franchissent les frontières respectives du territoire Douanier Allemand et de la Belgique pourront être dirigés sous le bénéfice de la dispense de visite stipulée par l'Article 1, seront réciproquement désignées en temps opportun.

Chacune des Parties Contractantes se réserve de modifier la liste de ces localités et d'en donner connaissance à l'autre.

3. Les employés d'escorte qui, à la sortie de l'un des États, seraient chargés de la surveillance du convoi, devront accompagner le train sur le territoire du pays voisin jusqu'à la première station où il y aura un Bureau de Douane. Ils ne pourront abandonner les convois qu'après avoir rempli les formalités prescrites dans chacun des États Contractants.

4. Chaque convoi sera accompagné de feuilles de route distinctes pour lieux de destination. Ces feuilles, auxquelles devront être joints tous les documents et papiers nécessaires, seront préparées par les soins des administrations des chemins de fer respectifs d'après la forme prescrite dans chacun des États Contractants.

5. L'Administration des Douanes de chacun des États Contractants respectera les fermetures de l'autre lorsqu'elle se sera assurée que les conditions exigées par ses propres règlements ont été remplies. Elle aura, d'ailleurs, en tant qu'elle le jugera nécessaire, la faculté de compléter la fermeture.

6. Les wagons mentionnés dans Article 1^{er} devront être construits de façon qu'au passage d'un territoire sur l'autre, la Douane, pour les fermer, n'ait plus qu'à y apposer les plombs ou cadenas, après s'être assurée du bon conditionnement.

Les plombs présenteront l'indication des bureaux où ils ont été apposés.

7. L'Administration des Douanes de chacun des États Contractants reste libre de faire escorter les convois par ses employés. Les administrations de chemins de fer respectives seront tenues de placer les employés d'escorte, soit à l'aller, soit au retour, et ce gratuitement, aussi près que possible des wagons de marchandises.

2.—*Convois de Voyageurs.*

8. La faculté accordée par l'Article 1^{er} aux convois de marchandises de franchir la frontière pendant la nuit, les Dimanches et jours fériés, est étendue aux convois de voyageurs.

9. Pour le passage à la frontière, tous objets passibles de droits ou dont l'importation est prohibée devront être placés dans des wagons à marchandises à l'exclusion des wagons à voyageurs. Il n'est fait d'exception à cette règle que pour les menus objets passibles de droits qui se trouvent soit parmi les bagages à la main des voyageurs, soit parmi les bagages placés sur des voitures appartenant à des voyageurs et qui sont transportés par le chemin de fer.

10. En principe, les bagages des voyageurs seront visités au bureau-frontière. Toutefois des exceptions pourront être admises dans l'intérêt des voyageurs. Celui des États Contractants qui aura établi des exceptions de ce genre en donnera immédiatement connaissance à l'autre.

Pour autant que l'intérêt du service de la douane n'y mette pas obstacle, la visite des bagages à la main pourra être effectuée dans les wagons sans en faire descendre les voyageurs.

11. Les bagages des voyageurs non visités au bureau-frontière devront, après avoir été déclarés en douane, être accompagnés d'une feuille de route de douane, distincte par destination et indiquant le nombre des colis.

12. Tous objets passibles de droits, transportés par les convois de voyageurs, restent soumis aux conditions et formalités établies pour ceux dont le transport s'effectue par les convois de marchandises. Cette disposition ne s'applique point aux bagages des voyageurs.

3.—*Dispositions Générales.*

13. A l'arrivée des marchandises au lieu de destination, elles seront déposées dans des bâtiments agréés par la Douane et susceptibles d'être fermés. Les marchandises y resteront sous la surveillance non interrompue des employés de Douane et en seront enlevées soit pour la consommation, soit pour l'entrepôt, soit pour le transit, sur une déclaration en détail à faire dans le délai voulu et après l'accomplissement des formalités prescrites. Le déchargement des wagons s'effectuera, autant que possible, immédiatement après l'arrivée des convois.

14. Dans les stations où il n'y a pas encore de bâtiments se trouvant dans les conditions indiquées à l'Article précédent, le déchargement devra, autant que possible, se faire au plus tard dans le délai de trente-six heures après l'arrivée du convoi.

15. Les administrations des chemins de fer devront informer le plus tôt possible et au moins huit jours à l'avance les Administrations des Douanes des changements qu'elles voudront apporter aux heures de départ, de passage à la frontière et d'arrivée des trains de jour et de nuit, sous peine d'être tenues de remplir à la frontière toutes les formalités ordinaires de douane.

Le préavis de huit jours ne sera pas exigé en ce qui concerne les trains de marchandises extraordinaires que les administrations de chemins de fer pourraient mettre en marche en cas de force majeure ou dans des circonstances exceptionnelles.

Les facilités accordées par les présentes dispositions seront appliquées à ces trains spéciaux, pour autant que leur passage à la frontière ait été annoncé, au moins douze heures à l'avance, au bureau-frontière intéressé.

16. En principe, la division des convois allant dans la même direction pourra, lorsqu'elle sera demandée, être accordée par les bureaux-frontières respectifs jusqu'à concurrence de dix wagons. Cependant, en cas de nécessité reconnue, de concert entre le chef de station et l'agent supérieur de la douane locale, celui-ci est autorisé à permettre une plus grande sub-division.

17. Les facilités consacrées par l'Article 1^{er} ne s'appliqueront en général qu'aux marchandises transportées de la frontière jusqu'au lieu de leur destination sans changement de wagons et sans enlèvement des plombs ou cadenas.

Exceptionnellement, il sera toutefois permis dans les lieux ou dans les cas ci-après spécifiés, de transborder les marchandises sans remplir l'ensemble des formalités ordinaires de douane, savoir :

(1.) Au point de jonction de deux lignes de chemins de fer, lorsque la construction de ces lignes ne permet pas de faire passer les wagons de l'une sur l'autre ;

(2.) Lorsqu'on jugerait impossible de faire arriver les wagons, qui ont franchi la frontière, jusqu'au lieu de destination de leur chargement.

Quant aux localités où, d'après le 1^{er} de l'alinéa 2, ces transbordements exceptionnels seront autorisés, elles seront désignées de part et d'autre en temps opportun, chacune des Parties Contractantes se réservant d'étendre le même bénéfice à d'autres localités selon les besoins sagement appréciés du service des transports internationaux.

18. Pour autant que des obstacles matériels ou les lois du pays ne s'y opposent pas, les douaniers convoyeurs seront autorisés à se placer gratuitement sur le siège extérieur des wagons. Ces agents seront, dans tous les cas, à l'aller comme au retour, admis gratuitement dans les voitures de 2^{me} classe des convois de voyageurs et dans les compartiments des gardes des convois de marchandises.

19. Il est bien entendu que, par les présentes dispositions, il n'est dérogé en rien aux lois des États Contractants en ce qui concerne les pénalités encourues en cas de fraude ou de contravention, pas plus qu'à celles qui ont prononcé des prohibitions ou des restrictions en matière d'importation, d'exportation ou de transit et qu'il reste libre aux Administrations des Douanes respectives, en cas de graves soupçons de fraude, de faire procéder à la vérification des marchandises et aux autres formalités au bureau-frontière et, s'il y a lieu, à tout autre bureau.

20. Les Administrations des Douanes des États Contractants se communiqueront respectivement les instructions et circulaires adressées à leurs agents concernant l'exécution des présentes dispositions.

Elles prendront de concert les mesures nécessaires pour que les heures de travail des employés des douanes soient mises, autant que possible, en rapport avec les besoins sainement appréciés du service des chemins de fer.

III.—PROTOCOLE DE CLÔTURE.

Aux Articles II et III—

1. Aucune des Parties Contractantes ne percevra à une frontière quelconque de son territoire des droits plus favorables que ceux perçus à la frontière qui sépare les territoires des deux Parties Contractantes.

Les produits du sol ou de l'industrie d'une provenance quelconque transportés en transit par le territoire de l'une des Parties Contractantes ne payeront pas, à leur entrée dans celui de l'autre Partie, des droits autres ni plus élevés que n'auraient payés les mêmes produits importés directement de leur pays d'origine.

2. Les droits *ad valorem* fixés par le Tarif douanier Belge seront calculés sur la valeur au lieu d'origine ou de fabrication de l'objet importé augmentée des frais de transport, d'assurance et de commission nécessaires pour l'importation jusqu'au lieu du dédouanement.

Dans le cas où la procédure actuellement en vigueur pour le règlement des contestations sur la valeur de la marchandise et qui est basée sur l'Article 2 de l'Arrêté Royal Belge du 13 Mai, 1882, serait modifiée, les principes suivants seront observés :—

(a.) Si la Douane juge insuffisante la valeur déclarée par l'importateur, il sera accordé à celui-ci un délai de cinq jours pour souscrire la déclaration supplémentaire réclamée par la Douane ou pour s'en remettre à la décision de l'autorité chargée de trancher le litige.

(b.) Le fabricant ou le négociant pour le compte duquel l'importation a lieu, pourra, le cas échéant, soumettre par écrit ou présenter en personne ses moyens de défense à l'autorité compétente.

(c.) Aucune pénalité ne sera infligée si la différence entre la valeur déclarée et la valeur déterminée par la Douane ou par l'autorité compétente n'atteint pas 10 pour cent de cette dernière valeur. Cette règle ne s'appliquera pas au cas où il serait prouvé que l'importateur a déclaré une valeur insuffisante dans l'intention d'éluder frauduleusement les droits. Les droits seront toujours perçus sur l'excédent quel qu'il soit.

Pour le règlement des contestations sur la valeur des chevaux (No. 100 du Tarif Douanier Allemand), les principes suivants seront observés en Allemagne:—

(a.) Si le Bureau des Douanes juge insuffisante la valeur déclarée par l'importateur, il sera accordé à celui-ci un délai de cinq jours pour accepter la décision du Bureau de Douane ou s'en remettre à la décision des experts ou de l'autorité chargée de trancher le litige.

(b.) L'importateur pourra justifier, soit en personne, soit par écrit, sa déclaration de valeur devant les experts ou l'autorité compétente.

(c.) L'importateur n'encourra aucune pénalité si, à raison de la valeur plus élevée constatée par le Bureau de Douane ou par les experts ou l'autorité compétente, le cheval rentre dans une classe de valeur plus fortement taxée, pourvu que la différence entre la valeur déclarée et la valeur constatée n'atteigne pas 10 pour cent de celle-ci. Cette règle ne s'appliquera pas au cas où il serait prouvé que l'importateur a déclaré une valeur insuffisante dans l'intention d'éluder frauduleusement les droits.

3. Le Gouvernement Belge se réserve la faculté de convertir les droits *ad valorem* figurant au Tarif (A) en droits spécifiques équivalents. A cet effet, le Gouvernement Belge se mettra en rapport avec le Gouvernement Allemand sur les conversions projetées. Dans le cas où l'accord sur les taux proposés ne serait pas établi dans un délai de trois mois à dater du jour de la notification fait au Gouvernement Allemand, il sera fait appel au Tribunal Arbitral dans les conditions prévues à l'Article XII A, et la conversion ne pourra avoir lieu que conformément à la décision de ce Tribunal.

4. Dans le cas où la Belgique se déciderait à augmenter les droits sur les Articles suivants, les droits ne dépasseront pas les taux indiqués ci-après:—

Cols et manchettes en tissu de lin: mêmes droits que sur la lingerie de toute espèce;

Vêtements pour hommes en laine pure ou mélangée d'autres matières textiles, la laine dominant en poids: 13 pour cent de la valeur;

Chapeaux de toute espèce pour hommes: 13 pour cent de la valeur;

Fils et verges en fer ou en acier, quelle qu'en soit la section, de moins de 5 millim. de diamètre ou d'épaisseur, mais non cuivrés, nickelés, étamés, plombés, ni zingués (galvanisés): 2 fr. par 100 kilog.;

Tubes et tuyaux, y compris les raccords en fer ou en acier, même ondulés, sans autre main d'œuvre, qu'ils soient ou non goudronnés ou enduits de minium :

Uniquement soudés ; étirés d'un diamètre extérieur de plus de 25 millim. : 2 fr. par 100 kilog. ;

Autres : 4 fr. par 100 kilog.

5. Tant que le Tarif de Douane Belge maintiendra pour certaines marchandises désignées dans le Tarif (A) annexé au présent Traité, des droits autres que ceux fixés dans ce dernier Tarif, l'importateur aura le choix entre les deux tarifications.

6. Dans le cas où l'Allemagne accorderait des droits plus réduits à d'autres races de chevaux, ces réductions seront acquises, tant qu'elles existeront et sous les mêmes conditions, aux chevaux d'origine Belge appartenant aux races dites Flamande, Brabançonne, et Ardennaise.

7. Les catalogues brochés ou reliés de maisons de commerce établies en Allemagne destinés à l'offre de marchandises, même munis d'échantillons, seront admis, en Belgique, en franchise de droits, s'ils portent l'indication imprimée de la firme Allemande exclusivement, sans mention d'une autre maison commerciale ou du nom d'un agent quelconque. Réciproquement, les dits catalogues de maisons de commerce établies en Belgique seront exempts de droits en Allemagne, s'ils portent l'indication imprimée de la firme Belge exclusivement, sans mention d'une autre maison commerciale ou du nom d'un agent quelconque.

8. Les Parties Contractantes admettront, de part et d'autre, en franchise de droits à l'entrée et à la sortie, le cuir découpé ou estampé sous forme de gants qui sera envoyé d'Allemagne en Belgique pour y être cousu et renvoyé ensuite en Allemagne, ainsi que les gants confectionnés de ce cuir par le couture en Belgique et qui seront renvoyés en Allemagne pour y recevoir l'achèvement de leur confection et être exportés à l'étranger. La franchise ne sera accordée que si l'identité des objets importés et exportés n'est pas douteuse et si la réimportation et la réexportation ont lieu dans les délais convenables à fixer à l'avance.

A l'Article IV—

Il est entendu que cet Article ne vise pas les droits d'entrée. En outre, l'Allemagne consent à ce que le dit Article ne soit pas appliqué aux droits d'accise perçus en Belgique sur les vins et les sucres bruts, pour autant que ces marchandises soient exemptes de droits d'entrée.

A l'Article VII—

En exécution de l'Article III de la Convention Phylloxérique Internationale du 3 Novembre, 1881,* portant que les plantes seront emballées solidement mais de manière à permettre les constatations nécessaires, et de l'Article I de la dite Convention, laissant aux États Contractants le soin de réglementer le transport et l'emballage des plantes, il a été convenu que les plantes, arbustes et végétaux, autres que la vigne, provenant de pépinières, de jardins ou de serres et circulant entre la Belgique et l'Allemagne seront conditionnés, pour le voyage, de l'une des trois manières suivantes :—

- (1.) Ou emballés en caisses, paniers ou colis fermés ;
- (2.) Ou chargés en vrac en wagon fermé et plombé ;
- (3.) Ou chargés sur wagon ouvert avec un emballage tel qu'il recouvre complètement la terre et les racines, les branches étant réunies par une ligature.

A l'Article X—

Les Parties Contractantes se prêteront réciproquement tout l'appui possible quant à l'établissement des prix de transport par chemin de fer, notamment en établissant des tarifs directs, chaque fois que l'une d'elles en fera la demande pour des marchandises donnant lieu à un trafic dans la direction indiquée.

Elles conviennent que les prix de transport, ainsi que toutes les réductions de tarif ou autres faveurs qui seraient accordées, soit par des tarifs locaux, soit par des dispositions spéciales, soit par des Traités particuliers, aux produits de leur propre pays, seront accordés, dans la même étendue, aux envois similaires passant du territoire de l'une des Parties Contractantes dans le territoire de l'autre ou qui y transiteront, à la condition toutefois que le transport se fasse sur la même ligne et dans la même direction.

En conséquence, les prix de transport dont, en vertu des tarifs locaux ou des tarifs des unions de chemins de fer, on pourrait profiter sur la ligne respective moyennant la réexpédition, seront insérés dans les tarifs directs, si l'autre Partie Contractante le demande.

Il n'est fait exception aux dispositions qui précèdent que pour les envois destinés à des œuvres de charité ou d'utilité publique.

Bruxelles, le 22 Juin, 1904.

(L.S.) FAVEREAU.

(L.S.) GRAF VON WALLWITZ.

GENERAL CONVENTION OF ARBITRATION concluded between Italy and Switzerland.—Signed at Rome, November 23, 1904.

LE Gouvernement de Sa Majesté le Roi d'Italie et le Gouvernement de la Confédération Suisse, signataires de la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye le 29 Juillet, 1899 ;*

Considérant que, par l'Article XIX de cette Convention, les Hautes Parties Contractantes se sont réservé de conclure des accords en vue du recours à l'arbitrage dans tous les cas qu'elles jugeront possible de lui soumettre ;

Ont autorisé les Soussignés à arrêter les dispositions suivantes :—

ART. I. Les différends d'ordre juridique ou relatifs à l'interprétation des Traités existant entre les deux Parties Contractantes, qui viendraient à se produire entre elles et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899, à La Haye, à la condition, toutefois, qu'ils ne mettent en cause ni les intérêts vitaux, ni l'indépendance ou l'honneur des deux États Contractants et qu'ils ne touchent pas aux intérêts de tierces Puissances.

II. Dans chaque cas particulier les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres et les délais à observer en ce qui concerne la constitution du Tribunal Arbitral et la procédure.

III. Le présent Arrangement est conclu pour une durée de cinq années, à partir du jour de la signature.

Fait à Rome, en double exemplaire, le 23 Novembre, 1904.

(L.S.) TITTONI, *Ministre des Affaires Étrangères d'Italie.*

(L.S.) J. B. PIODA, *Ministre de Suisse.*

TRAITÉ D'AMITIÉ, D'ÉTABLISSEMENT ET DE COMMERCE entre la Confédération Suisse et la République du Salvador.—Signé à Berne, le 30 Octobre, 1883.

[Ratifications échangées à Berne, le 30 Octobre, 1884.]

LE Conseil Fédéral de la Confédération Suisse et le Gouvernement de la République du Salvador, animés du désir d'établir et de

* Vol. XCI, page 970.

resserrer les liens d'amitié entre les deux pays, ainsi que d'accroître par tous les moyens à leur disposition les relations commerciales entre leurs citoyens respectifs, ont résolu de conclure entre eux un Traité d'Amitié, d'Établissement et de Commerce, et ont à cet effet nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, M. le Conseiller Fédéral Adolphe Deucher, Chef du Département de Justice et de Police ; et

Le Gouvernement de la République du Salvador, M. Don Carlos Gutierrez ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

ART. I. Il y aura entre la Suisse et la République du Salvador paix perpétuelle et liberté réciproque d'établissement et de commerce.

Les ressortissants de chacun des deux États seront reçus et traités dans l'autre, pour leurs personnes et leurs propriétés, de la même manière que le sont ou pourront l'être, à l'avenir, les nationaux eux-mêmes. Les citoyens de chacun des deux États Contractants pourront librement, sur les territoires respectifs et en se conformant aux lois du pays, voyager ou séjourner, commercer tant en gros qu'en détail, exercer toute profession ou industrie, louer et occuper les maisons, magasins, boutiques, et établissements qui leur seront nécessaires, effectuer des transports de marchandises et d'argent, recevoir des consignations tant de l'intérieur que des pays étrangers, sans que pour toutes ou quelques-unes de ces opérations les dits citoyens soient assujettis à d'autres obligations que celles qui pèsent sur les nationaux. Sont réservées toutefois les précautions de police, dans la mesure où elles sont pratiquées vis-à-vis des ressortissants des nations les plus favorisées.

Les ressortissants de chacun des deux États jouiront de cette liberté, soit qu'ils fassent leurs affaires eux-mêmes et présentent en douane leurs propres déclarations, soit qu'ils se fassent suppléer par des tiers, fondés de pouvoirs, facteurs, agents, consignataires ou interprètes, dans l'achat ou dans la vente de leurs biens, de leurs effets ou de marchandises ; ils auront également le droit de remplir toutes les fonctions qui leur seront confiées par leurs propres compatriotes, par des étrangers, ou par des nationaux, en qualité de fondés de pouvoirs, facteurs, agents, consignataires, ou interprètes.

Enfin ils ne payeront point, à raison de leur commerce ou de leur industrie, dans les villes ou lieux quelconques des deux États, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, des droits, taxes, ou impôts, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui se percevront sur les nationaux ou sur

les citoyens de la nation la plus favorisée, et les privilèges, immunités, et autres faveurs quelconques dont jouissent, en matière de commerce et d'industrie, les citoyens de l'un des deux États Contractants seront communs à ceux de l'autre.

II. Les citoyens d'une des Parties Contractantes, résidant ou établis dans les territoires de l'autre, qui voudront retourner dans leur pays ou qui y seront renvoyés par sentence judiciaire, par mesure de police légalement adoptée et exécutée, ou d'après les lois sur la mendicité et les mœurs, seront reçus en tout temps et en toute circonstance, eux et leurs familles, dans le pays dont ils sont originaires.

III. Les citoyens de chacune des deux Parties Contractantes jouiront, sur le territoire de l'autre Partie, de la plus constante et complète protection pour leurs personnes et leurs propriétés. Ils auront, en conséquence, un libre et facile accès auprès des Tribunaux de Justice pour la poursuite et la défense de leurs droits, en toute instance et dans tous les degrés de juridiction établis par les lois. Ils seront libres d'employer, dans toutes les circonstances, les avocats, avoués, ou agents de toute classe qu'ils jugeraient à propos de faire agir en leur nom, choisis parmi les personnes admises à l'exercice de ces professions d'après les lois du pays. Enfin ils jouiront, sous ce rapport, des mêmes droits et privilèges que ceux qui sont accordés aux nationaux, et ils seront soumis aux mêmes conditions.

Les Sociétés anonymes, commerciales, industrielles, ou financières, légalement autorisées dans l'un des deux pays, seront admises à ester en justice dans l'autre, et jouiront, sous ce rapport, des mêmes droits que les particuliers.

IV. Les citoyens de chacune des deux Parties Contractantes auront, sur les territoires de l'autre, liberté pleine et entière d'acquérir, de posséder par suite d'achat, vente, donation, échange, mariage, testament, succession *ab intestat*, ou de toute autre manière toute espèce de propriété mobilière ou immobilière.

Leurs héritiers et représentants pourront leur succéder et prendre possession des successions par eux-mêmes ou par fondés de pouvoirs agissant en leur nom, d'après les formes ordinaires de la loi, comme les citoyens du pays.

En l'absence des héritiers ou des représentants, la propriété sera traitée de la même manière que celle d'un citoyen du pays serait traitée dans des circonstances semblables.

Dans tous ces cas, il ne sera exigé sur la valeur d'une telle propriété aucun impôt, contribution, ou charge autre ou plus fort que ceux auxquels sont soumis les citoyens du pays.

Dans toutes circonstances, il sera permis aux citoyens des deux pays contractants d'exporter leurs biens, savoir : les citoyens

Suisses du territoire du Salvador et les citoyens du Salvador du territoire Suisse, librement et sans être assujettis lors de l'exportation à payer un droit quelconque en qualité d'étrangers et sans devoir acquitter des droits autres ou plus forts que ceux auxquels les citoyens du pays seront eux-mêmes tenus.

V. Les citoyens de chacune des deux Parties Contractantes qui se trouvent dans les territoires de l'autre seront affranchis de tout service militaire obligatoire, tant dans l'armée et la flotte que dans la Garde Nationale ou Civique ou les milices ; ils seront également exempts de toute prestation pécuniaire ou matérielle imposée par compensation pour le service personnel, tout comme des réquisitions militaires, contributions de guerre extraordinaires, et emprunts forcés, à l'exception toutefois de ce qui concerne les logements et les fournitures pour le militaire en passage, charges auxquelles les ressortissants de l'autre État pourront être tenus selon l'usage du pays, de la même manière que les nationaux ou ressortissants de la nation la plus favorisée.

VI. En temps de paix, comme en temps de guerre, il ne pourra dans aucune circonstance être imposé ou exigé, pour les biens d'un citoyen de l'une des deux Parties Contractantes dans les territoires de l'autre, des taxes, droits, contributions, ou charges plus forts qu'il n'en serait imposé ou exigé pour la même propriété, si elle appartenait à un citoyen du pays ou à un ressortissant de la nation la plus favorisée.

Il est d'ailleurs entendu qu'il ne sera perçu ni demandé d'un citoyen de l'une des deux Parties Contractantes qui se trouve dans le territoire de l'autre Partie aucun impôt quelconque autre ou plus fort que ceux qui sont ou pourront être exigés des citoyens du pays ou des ressortissants de la nation la plus favorisée.

VII. Les ressortissants des deux États jouiront, sur le territoire de l'autre, d'une liberté de conscience et de croyance pleine et entière. Le Gouvernement les protégera dans l'exercice de leur culte dans les églises, chapelles, ou autres lieux affectés au service divin, pourvu qu'ils se conforment aux lois, us et coutumes du pays. Ce même principe sera également mis en pratique lors de l'inhumation des ressortissants de l'un des deux États décédés sur le territoire de l'autre.

VIII. Il sera loisible aux deux Parties Contractantes de nommer des Consuls, Vice-Consuls, ou Agents Consulaires pour résider dans les territoires de l'autre. Mais, avant qu'un de ces officiers puisse entrer en fonctions, il devra être reconnu et admis dans la forme ordinaire par le Gouvernement auprès duquel il est délégué.

Les officiers Consulaires de chacune des deux Parties Contractantes jouiront, sur les territoires de l'autre, de tous les privilèges, exemptions, et immunités qui sont ou qui pourront

être accordés aux officiers de même rang de la nation la plus favorisée.

Les archives Consulaires et les Chancelleries Consulaires sont inviolables. Elles ne peuvent être visitées par qui que ce soit.

IX. Les deux États Contractants s'engagent à traiter les citoyens de l'autre État, dans tout ce qui touche à l'importation, l'entrepôt, le transit, et l'exportation de tout article d'un commerce légal, sur le même pied que les citoyens du pays ou que les ressortissants de la nation la plus favorisée.

X. Aucune des deux Parties Contractantes ne pourra exiger pour l'importation, l'entrepôt, le transit ou l'exportation des produits du sol ou des manufactures de l'autre État des droits plus élevés que ceux qui sont ou pourraient être imposés sur les mêmes articles provenant de tout autre pays étranger.

XI. Les deux Parties Contractantes s'engagent, pour le cas où l'une d'elles accorderait dorénavant à une troisième Puissance quelque faveur en matière de commerce ou de douane, à étendre en même temps et de plein droit cette faveur à l'autre Partie Contractante.

XII. Les objets passibles d'un droit d'entrée qui servent d'échantillons et qui sont importés dans le Salvador par des commiss-voyageurs de maisons Suisses ou importés en Suisse par des commiss-voyageurs de maisons du Salvador seront, de part et d'autre, admis en franchise temporaire, moyennant des formalités de douane nécessaires pour en assurer la réexportation ou la réintégration en entrepôt.

XIII. Dans le cas où un différend s'élèverait entre les deux Pays Contractants et ne pourrait être arrangé amicalement par correspondance diplomatique entre les deux Gouvernements, ces derniers conviennent de le soumettre au jugement d'un Tribunal Arbitral, dont ils s'engagent à respecter et à exécuter loyalement la décision.

Le Tribunal Arbitral sera composé de trois membres. Chacun des deux États en désignera un, choisi en dehors de ses nationaux et des habitants du pays. Les deux Arbitres nommeront le troisième. S'ils ne peuvent s'entendre pour ce choix, le troisième Arbitre sera nommé par un Gouvernement désigné par les deux Arbitres, ou, à défaut d'entente, par le sort.

XIV. Les stipulations du présent Traité seront exécutoires dans les deux États dès le centième jour après l'échange des ratifications. Le Traité restera en vigueur pendant dix ans, à dater du jour de l'échange des ratifications. Dans le cas où aucune des deux Parties Contractantes n'aurait notifié, douze mois avant la fin de la dite période, son intention d'en faire cesser les effets, le Traité demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

Les Parties Contractantes se réservent la faculté d'introduire d'un commun accord dans ce Traité toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes et dont l'utilité serait démontrée par l'expérience.

XV. Ce Traité sera soumis, de part et d'autre, à l'approbation et à la ratification des autorités compétentes respectives de chacune des Parties Contractantes; les ratifications en seront échangées à Berne dans douze mois, à dater d'aujourd'hui, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs ont, sous réserve des ratifications qui viennent d'être mentionnées, signé les Articles ci-dessus et y ont apposé leur sceau.

Ainsi fait à Berne, le 30 Octobre, 1883.

(L.S.) A. DEUCHER.

(L.S.) CARLOS GUTIERREZ.

*ACT of the Australian Commonwealth, to amend "The Immigration Restriction Act, 1901.**

[No. 17.]

[Assented to December 21,
1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as "The Immigration Restriction Amendment Act, 1905," and this Act and "The Immigration Restriction Act, 1901" (in this Act referred to as the principal Act) shall be read together and may together be cited as "The Immigration Restriction Acts, 1901–1905."

2. This Act shall commence on a day to be fixed by Proclamation.†

3. Section 2 of the principal Act is amended by inserting, after the word "Customs," the words "or any member of the police force of a State."

4. Section 3 of the principal Act is amended—

(a.) By omitting the whole of paragraph (a), and inserting in lieu thereof the following paragraph:—

"(a.) Any person who fails to pass the dictation test: that is to say, who, when an officer dictates to him not less than fifty words in

* Vol. XCV, page 198.

† Proclaimed to commence February 1, 1906.

any prescribed language, fails to write them out in that language in the presence of the officer.

“No regulation prescribing any language or languages shall have any force until it has been laid before both Houses of Parliament for thirty days and, before or after the expiration of such thirty days, both Houses of the Parliament by a resolution, of which notice has been given, have agreed to such regulation.”

(b.) By omitting from paragraph (e) the words “within three years,” and by inserting in that paragraph, before the words “received a pardon,” the words “served his sentence or”;

(c.) By omitting the whole of paragraphs (m) and (n).

5. Until a regulation prescribing any language or languages under section 3 of the principal Act as amended by this Act shall come into force, any language authorized by section 3 of the principal Act before the commencement of this Act shall be deemed to be a prescribed language within the meaning of that section as so amended.

6. Section 4 of the principal Act is amended—

(a.) By omitting the words “may, if found within the Commonwealth, be treated as,” and inserting in lieu thereof the words “shall, if found within the Commonwealth, be deemed to be”;

(b.) By inserting, after the word “Act,” the words “and may be deported from the Commonwealth pursuant to any order of the Minister.”

7. Sections 4, 6, 9, and sub-section (3) of section 10 of the principal Act are amended by inserting after the word “owners” the word “agents.”

8. After section 4 of the principal Act the following sections are inserted:—

“4 A.—(1.) If the Minister notifies by notice in the ‘Gazette’ that an arrangement has been made with the Government of any country regulating the admission to the Commonwealth of the subjects or citizens of that country, the subjects or citizens of that country shall not, while the notice continues to have effect, be required to pass the dictation test.

“(2.) The Minister shall not issue any such notice until the arrangement has been sanctioned by resolution of both Houses of the Parliament.

“(3.) Any such notice shall cease to have effect upon the Minister notifying, by notice in the ‘Gazette,’ that it is cancelled.

“4 B.—(1.) Any person who has resided in Australia for a period or periods in the aggregate of not less than five years, and who is about to depart from the Commonwealth, may in manner prescribed apply to an officer authorized in that behalf for a certificate in the

prescribed form excepting him, if he returns to the Commonwealth within the period limited in the certificate, from the provisions of paragraph (a) of section 3 of this Act.

“(2.) The officer may in his discretion give the certificate on payment of the prescribed fee, or, without assigning any reason, withhold it.

“(3.) Where the Minister is satisfied that a certificate given under this section has been obtained by any untrue statement of fact or intention, the Minister may revoke the certificate, which shall thereupon be taken to be of no effect, and shall on demand be delivered up to the Minister.

“(4.) A person to whom a certificate under this section has been issued (which certificate has not been revoked) shall not, on his return to the Commonwealth within the time limited by the certificate, if he produces and delivers the certificate to an officer, be required to pass the dictation test.”

9. Section 5 of the principal Act is amended—

(a.) By omitting the words “asked to comply with the requirements of paragraph (a) of section three” (wherever these words occur), and inserting in lieu thereof the words “required to pass the dictation test”;

(b.) By adding the following sub-section:—

“(3.) In any prosecution under the last preceding sub-section, the averment of the prosecutor contained in the information that the defendant has entered the Commonwealth within one year before his failing to pass the dictation test shall be deemed to be proved in the absence of proof to the contrary.”

10. Section 6 of the principal Act is amended—

(a.) By omitting from paragraph (a) the words “comply with the requirements of that paragraph,” and inserting in lieu thereof the words “pass the dictation test”;

(b.) By omitting from paragraph (b) the words “may be treated as,” and inserting in lieu thereof the words “shall be deemed to be.”

11. Section 8 of the principal Act is amended by omitting the words “write out at dictation and sign in the presence of an officer a passage of fifty words in length in any European language directed by the officer,” and inserting in lieu thereof “pass the dictation test.”

12. Section 9 of the principal Act is amended—

(a.) By omitting the words “jointly and severally liable to a penalty not exceeding,” and inserting in lieu thereof the words “guilty of an offence against this Act, and be jointly and severally liable on summary conviction to a penalty of”;

(b.) By omitting the whole of the second paragraph thereof.

13. Section 13 of the principal Act as amended—

(a.) By omitting the words “idiot or insane person” where they first occur, and inserting in lieu thereof the words “prohibited immigrant within the meaning of paragraphs (b), (c), (d), or (f) of section 3 of this Act”;

(b.) By omitting the words “idiot or insane person” where they last occur, and inserting in lieu thereof the words “prohibited immigrant.”

14. After section 13 of the principal Act the following sections are inserted:—

“13 A. The master, owners, agents, or charterers of a vessel in which a prohibited immigrant, or a person who under section 3 or section 5 of this Act becomes a prohibited immigrant, comes to the Commonwealth, shall, on being required in writing by any Collector of Customs so to do, without charge to the Commonwealth, provide a passage for the prohibited immigrant to the place whence he came, and shall also be liable to pay to the Commonwealth for the State a fair sum to recoup the State for the cost of keeping and maintaining the prohibited immigrant while awaiting his deportation from Australia.

“13 B. The master of a vessel on which a prohibited immigrant, or a person reasonably supposed to be a prohibited immigrant, is, may, with the necessary assistance, prevent the prohibited immigrant from entering the Commonwealth from the vessel in contravention of this Act.”

15. After section 14 of the principal Act the following section is inserted:—

“14 A. Every member of the police force of any State, and every officer may, without warrant, arrest any person reasonably supposed to be a prohibited immigrant offending against this Act, and no person shall resist or prevent such arrest.”

ACT of the Australian Commonwealth, relating to Trade-marks.

[No. 20.]

[Assented to December 21,
1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—*Introductory.*

1. This Act may be cited as “The Trade-marks Act, 1905.”

2. This Act shall commence on a day to be fixed by Proclamation not less than four months after the passing of this Act.

3. This Act is divided as follows :—

Part I.—Introductory.

Part II.—Administration.

Division 1.—The Minister, the Registrar, and the Trade-marks Office.

Division 2.—The Transfer of the Administration of the State Trade-marks Acts.

Part III.—Registrable Trade-marks.

Part IV.—Registration of Trade-marks.

Division 1.—General.

Division 2.—Applications.

Division 3.—Opposition.

Division 4.—Registration and Effect of Registration.

Division 5.—Renewal of Registration.

Part V.—Assignment of Trade-marks.

Part VI.—The Register of Trade-marks.

Part VII.—Workers' Trade-marks.

Part VIII.—The Commonwealth Trade-mark.

Part IX.—Protection of Trade-marks.

Part X.—Miscellaneous.

4. In this Act, except where otherwise clearly intended—

“The Court” means the High Court, or the Supreme Court of the State in which the Trade-marks Office is situate, or a Justice thereof.

“The Law Officer” means the Attorney-General or Crown Solicitor of the Commonwealth.

“Person” includes a body corporate and a firm and any association of persons, bodies corporate or firms.

“The Register” means the Register of Trade-marks under this Act.

“Registered Trade-mark” means a trade-mark registered under this Act.

“The Registrar” means the Registrar of Trade-marks.

“State Trade-marks Act” means any State Act relating to the registration of trade-marks.

“This Act” includes all regulations made thereunder.

5. Subject to this Act, or any Act of Parliament, the common law of England relating to trade-marks shall, after the commencement of this Act, apply throughout the Commonwealth:

Provided that this section shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the law of any State before the commencement of this Act.

6. The State Trade-marks Acts of each State shall, on the commencement of this Act, cease to apply to trade-marks further than as follows:—

(a.) The State Trade-marks Act under which a trade-mark is registered shall continue to apply to that trade-mark so long as the registration under that Act remains in force.

(b.) Proceedings under a State Trade-marks Act, pending at the commencement of this Act, may be continued and completed under the State Trade-marks Act.

(c.) Applications for the registration of trade-marks may be received and dealt with under a State Trade-marks Act, if made by virtue of some right acquired, before the commencement of this Act, in pursuance of any International Convention for the protection of industrial property.

7.—(1.) The registration of a trade-mark under a State Trade-marks Act shall cease either—

(a.) At the expiration of fourteen years from the commencement of this Act; or

(b.) At the time when, under the State Trade-marks Act, the trade-mark would, if after the commencement of this Act no fee for the continuance of its registration were paid, first become liable to removal from the register, whichever first happens.

(2.) No fee shall be receivable nor shall any act be done after the commencement of this Act for the continuance of the registration of a trade-mark under a State Trade-marks Act.

8.—(1.) The registered proprietor of a trade-mark properly registered in any State under a State Trade-marks Act may make application for the registration of his trade-mark under this Act.

(2.) The application shall, subject to paragraphs (3), (4), and (5) of this section, be dealt with in the same manner as other applications for registration of trade-marks.

(3.) The trade-mark may be registered even if it does not contain the essential particulars required by this Act, but subject, in that case, to such conditions and limitations as to mode or place or period of user as the Registrar, Law Officer, or Court thinks fit to impose.

(4.) Where the same trade-mark or a nearly identical trade-mark is owned or registered by another proprietor in any part of the Commonwealth in respect of the same goods, the trade-mark may be registered subject to such conditions and limitations as to mode or place of user or otherwise as the Registrar, Law Officer, or Court thinks fit to impose to preserve the rights of each proprietor.

(5.) Where the trade-mark or a nearly identical trade-mark is common to the trade in another State, the registration under this Act shall confer no exclusive rights in that State on the registered proprietor, and that State may be excepted from the registration under this Act.

(6.) The registration of the trade-mark under a State Trade-marks Act shall cease upon its registration under this Act.

9.—(1.) The unregistered proprietor of a trade-mark in use in any State at the commencement of this Act may make application for the registration of his trade-mark under this Act.

(2.) The application shall, subject to paragraphs (3), (4), (5), and (6) of this section, be dealt with in the same manner as other applications for registration of trade-marks.

(3.) The trade-mark may be registered if it could have been lawfully registered under the State Trade-marks Act in force, at the commencement of this Act, in the State in which the trade-mark was then used, had an application for its registration been made before the commencement of this Act.

(4.) If the trade-mark does not contain the essential particulars required by this Act, it may nevertheless be registered subject to such conditions and limitations as to mode or place, or period of user, as the Registrar, Law Officer, or Court thinks fit to impose.

(5.) Where the same trade-mark or a nearly identical trade-mark is owned or registered by another proprietor in any part of the Commonwealth in respect of the same goods, the trade-mark may be registered subject to such conditions and limitations as to mode or place of user or otherwise as the Registrar, Law Officer, or Court thinks fit to impose to preserve the rights of each proprietor.

(6.) Where the trade-mark, or a nearly identical trade-mark, was, at the commencement of this Act, common to the trade in another State, the registration under this Act shall confer no exclusive rights in that State on the registered proprietor, and that State may be excepted from the registration under this Act.

PART II.—*Administration.*

Division 1.—*The Minister, the Registrar, and the Trade-marks Office.*

10. The Minister for Trade and Customs or other the Minister for the time being administering the Department of Trade and Customs shall be charged with the execution of this Act.

11.—(1.) There shall be a Registrar of Trade-marks.

(2.) Until the Governor-General otherwise determines the Commissioner of Patents shall be the Registrar of Trade-marks.

(3.) The Governor-General may appoint a Deputy Registrar of Trade-marks, who shall, subject to the control of the Registrar of Trade-marks, have all the powers conferred by this Act on the Registrar.

12. For the purposes of this Act an office shall be established

which shall be called the Trade-marks Office, and a sub-office shall be established in every State other than the State in which the Trade-marks Office is established.

13. There shall be a seal of the Trade-marks Office, and impressions thereof shall be judicially noticed.

Division 2.—*The Transfer of the Administration of the State Trade-marks Acts.*

14. On the commencement of this Act, the administration of the State Trade-marks Acts of all the States shall be transferred to the Commonwealth, and thereupon—

(a.) The State Trade-marks Acts of each State shall, so far as they have any relation to trade-marks, cease to be administered by the State, and shall thereafter be administered by the Commonwealth so far as is necessary for the purpose of completing then pending proceedings and of giving effect to then existing rights, and the Registrar shall collect for each State the fees which become payable thereunder; and

(b.) All powers and functions made under any State Trade-marks Act vested in the Governor of a State or in the Governor with the advice of the Executive Council of a State or in any Minister, officer, or authority of a State shall vest in the Governor-General or in the Governor-General in Council or in the Minister, officer, or authority exercising similar powers under the Commonwealth as the case requires or as is prescribed; and

(c.) All records, registers, deeds, and documents of the Trade-marks Office of each State vested in or subject to the control of the State shall, by force of this Act, be vested in and made subject to the control of the Commonwealth.

PART III.—*Registrable Trade-marks.*

15. A registrable trade-mark shall consist of essential particulars with or without additional matter.

16. The essential particulars of a registrable trade-mark shall be one or more of the following particulars:—

(a.) A name or trading style of a person printed, impressed, or woven in some particular and distinctive manner; or

(b.) A written signature or copy of a written signature of the person applying for registration thereof or some predecessor in his business; or

(c.) A distinctive device, mark, brand, heading, label, or ticket; or

(d.) An invented word or invented words; or

(e.) A word or words having no reference to the character or quality of the goods, and not being a geographical name used or likely to be understood in a geographical sense.

17. The additional matter which may be added to the essential particulars of a registrable trade-mark shall be—

(a.) Any letters, words, or figures; or

(b.) Any combination of letters, words, or figures, or of any of them.

18. Except in the case of a trade-mark properly registered in any State under a State Trade-marks Act, a registrable trade-mark must not contain—

(a.) The words “Trade-mark,” “Registered,” “Registered Design,” “Copyright,” “Entered at Stationers’ Hall,” “To counterfeit this is Forgery,” or words to the like effect; or

(b.) A representation of the King, the Queen, or any member of the Royal Family, or of the Royal Crown.

19. A registrable trade-mark must not contain—

(a.) The word “Royal,” or any word, letter, or device, indicating Royal or Government patronage; or

(b.) A representation of Royal Arms, or of the national flag of the United Kingdom, or of the flag of the Commonwealth, or of the national arms of the United Kingdom, or of the arms or seal of the Commonwealth or any State; or

(c.) A representation of any living person without his written consent.

20. In determining whether any particular of a trade-mark is distinctive, regard may be had, in the case of a trade-mark in actual use, to the extent to which user has rendered the trade-mark or the particular distinctive for the goods with respect to which the trade-mark is sought to be registered.

21. A trade-mark may be limited in whole or in part to a particular colour or colours, and in case of any application for the registration of a trade-mark the fact that the trade-mark is so limited shall be taken into consideration by any tribunal in determining whether it is distinctive or not. If a trade-mark is registered without limitation of colour it shall be deemed to be registered for all colours.

22.—(1.) Where any Commonwealth or State authority, or any association or person, undertakes the examination of any goods in respect of origin, material, mode or conditions of manufacture, quality, accuracy, or other characteristic, and certifies the result of such examination by a mark used upon or in connection with such goods, the Minister may, if he judges it to be to the public advantage, permit the authority, association, or person, to register the mark as a trade-mark in respect of such goods, whether the autho-

rity, association, or person is or is not a trader, or is or is not possessed of a goodwill in connection with such examination and certifying.

(2.) When registered, the trade-mark shall be deemed in all respects to be a registered trade-mark, and the authority, association, or person to be the registered proprietor thereof, save that the trade-mark shall not be transmissible or assignable except with the permission of the Minister.

(3.) This section shall as to conditions of manufacture apply to Commonwealth and State authorities only.

PART IV.—*Registration of Trade-marks.*

Division 1.—*General.*

23. A trade-mark must be registered in respect of particular goods or classes of goods as prescribed.

24.—(1.) If a trade-mark—

(a.) Contains parts not separately registered by the proprietor as trade-marks, or

(b.) Contains matter common to the trade or otherwise of a non-distinctive character,

the Registrar, or the Law Officer, or the Court, in deciding whether the trade-mark shall be entered or shall remain upon the register may in his or its discretion require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any of those parts, or of that matter, to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they think needful for the purpose of defining his rights under the registration:

Provided always that no such disclaimer shall affect any rights of the proprietor of the trade-mark except such as depend upon its registration.

(2.) The fact that a mark or matter therein is publicly and honestly used by more than three several persons in any one State as a mark on or in connection with similar goods, shall be treated as conclusive evidence that it is common to the trade.

25. Except by order of the Court, the Registrar shall not register in respect of goods a trade-mark identical with one belonging to a different proprietor which is already on the register in respect of the like goods, or class of goods, or so nearly resembling such a trade-mark as to be likely to deceive.

26. Where the name or a representation of a living person or a person believed by the Registrar to be living appears on a trade-mark, the Registrar may require the applicant to furnish him with

the consent of that person to the name or representation appearing on the trade-mark before he proceeds with the registration of the trade-mark.

27. Where each of several persons applies to be registered as the proprietor of the same trade-mark or of nearly identical trade-marks in respect of the like goods or class of goods, the Registrar may refuse to register the trade-mark until the rights of the applicants have been determined, and may himself submit or require the applicants to submit their rights to the Court.

28. In case of honest concurrent user or of special circumstances the Registrar, Law Officer, or the Court may, in his or its discretion, permit the registration of the same trade-mark or of nearly identical trade-marks for the like goods or class of goods by more than one proprietor, subject to such conditions and limitations as to mode or place of user or otherwise as he or it thinks fit to impose.

29.—(1.) Where application is made for the registration of a trade-mark so nearly resembling a trade-mark of the applicant which is already on the register as to be likely to deceive or cause confusion if used by a person other than the applicant, the Registrar may require as a condition of registration that the trade-marks shall be entered on the register as associated trade-marks.

(2.) If the proprietor of a trade-mark claims to be entitled to the exclusive use of any part of it separately he may, if the part satisfies all the conditions of a trade-mark, register it as a separate trade-mark.

(3.) When a part of a registered trade-mark is registered separately, it and the trade-mark of which it forms a part shall be deemed to be associated trade-marks, and shall be entered on the register as such, and the user of the whole trade-mark shall for the purposes of this Act be deemed to be also a user of the part separately registered as a trade-mark.

(4.) Except for the purpose of assignment or transmission, and subject to the provisions of this Act as to use of associated trade-marks, associated trade-marks shall be deemed to be registered independently.

30. Where under the provisions of this Act user of a registered trade-mark is required to be proved for any purpose, the Registrar, Law Officer, or the Court, as the case may be, may, if and so far as he or it thinks fit, accept user of an associated registered trade-mark, or of the trade-mark with additions or alterations not substantially affecting its identity, as an equivalent for the user of the first-mentioned trade-mark.

31.—(1.) When a person claiming to be the proprietor of several

trade-marks, which while resembling each other in the essential particulars thereof, yet differ in respect of—

(a.) Statements of the goods for which they are respectively used, or proposed to be used, or

(b.) Statements of number, price, quality, or names of places, seeks to register such trade-marks, they may be registered as a series in one registration.

(2.) All the trade-marks in a series of trade-marks so registered shall be deemed to be, and shall be registered as, associated trade-marks.

Division 2.—*Applications.*

32.—(1.) Any person, claiming to be the proprietor of a trade-mark, may make application to the Registrar for the registration of his trade-mark.

(2.) The application must be made in the form prescribed and must—

(a.) Specify the goods or class of goods in respect of which the applicant desires the trade-mark to be registered.

(b.) State what are the essential particulars of his trade-mark, and disclaim any right to the exclusive use of the matter added to the essential particulars of his trade-mark; and

(c.) State an address within the Commonwealth as an address for service :

Provided that an applicant need not disclaim his own name or address or the foreign equivalents thereof or that of a predecessor in business.

(3.) Separate applications must be made for the registration of a trade-mark in respect of each class of goods in respect of which the applicant desires it to be registered.

33.—(1.) Every application must be lodged by being left at or sent by post to the Trade-marks Office or a sub-office.

(2.) Such application shall be forthwith referred by the Registrar to an examiner, who shall ascertain and report whether the trade-mark is a registrable trade-mark, and whether it is identical with a trade-mark already on the register under this Act or any State Trade-marks Act in respect of the like goods or class of goods, or so nearly resembles the latter trade-mark as to be likely to deceive, and whether the trade-mark or any matter therein is common to the trade.

(3.) Subject to this Act the Registrar may either accept the application, with or without modifications or conditions, or refuse it.

34.—(1.) An appeal shall lie to the Law Officer from any conditional acceptance or any refusal by the Registrar of the application.

(2.) The Law Officer shall hear the applicant and the Registrar, and shall decide whether and subject to what conditions or modifications (if any) the application shall be accepted.

(3.) An applicant aggrieved by the decision of the Law Officer may in the time and in the manner prescribed appeal to the Court.

(4.) The Court shall hear the applicant and determine whether the application ought to be refused or ought to be accepted with or without any modifications or conditions.

35. If the applicant so desires, he may appeal direct from the Registrar to the Court without any appeal to the Law Officer.

36. If the application is accepted, with or without conditions or modifications, it shall forthwith be advertised in the prescribed manner.

37. If, by reason of default on the part of the applicant, the registration of a trade-mark has not been completed within twelve months from the date of the lodging of the application, the Registrar shall give notice of the non-completion to the applicant, and if, at the expiration of fourteen days from that notice or such further time as the Registrar in special cases permits, the registration is not completed, the application shall be deemed to be abandoned.

Division 3.—*Opposition.*

38. Any person may, within three months after the advertisement of the application or such further time not exceeding three months as the Registrar on application made within the first period of three months allows, lodge at the Trade-marks Office a notice of opposition, in duplicate, to the registration of the trade-mark, setting out the grounds on which he relies to support his notice.

39. Every notice of opposition shall state an address in Australia as an address for service.

40. The Registrar shall send a duplicate of the notice of opposition to the applicant.

41.—(1.) Within three months after the lodging of notice of opposition or such further time not exceeding three months as the Registrar on application made within such first mentioned three months allows, the applicant may lodge at the Trade-marks Office a counter-statement in duplicate, setting out the grounds on which he relies to support his application.

(2.) If the applicant fails to so lodge a counter-statement he shall be deemed to have abandoned his application, and in that event he shall not be liable for costs; but if he lodges a counter-statement and thereafter abandons his application he shall, unless the Registrar otherwise orders, pay to the opponent such costs as the Registrar allows.

(3.) The Registrar shall send a duplicate of the counter-statement to the opponent.

42.—(1.) The Registrar shall fix a day for the hearing of the application, and shall give notice thereof to the applicant and to the opponent.

(2.) On the day so fixed, or on any other day to which the hearing is adjourned, the Registrar shall hear the applicant and the opponent, and shall decide whether the application is to be refused or whether it is to be granted either with or without any modifications or conditions.

43.—(1.) Any party aggrieved by the decision of the Registrar may in the time and in the manner prescribed appeal to the Law Officer.

(2.) The Law Officer shall hear the applicant and the opponent, and may determine whether the application ought to be refused or ought to be granted with or without any modifications or conditions.

44.—(1.) Any party aggrieved by the decision of the Law Officer may in the time and in the manner prescribed appeal to the Court.

(2.) The Court shall hear the applicant and the opponent, and determine whether the application ought to be refused or ought to be granted with or without any modifications or conditions.

45. If either party so desires and gives written notice thereof the appeal shall be taken direct from the Registrar to the Court without any appeal to the Law Officer.

46. If a person giving notice of opposition or appeal does not reside in Australia, the Registrar, Law Officer, or the Court, may order him to give security for costs, and if the Order is not complied with, the opposition or appeal shall be deemed to be abandoned.

Division 4.—*Registration and Effect of Registration.*

47. When an application for registration has been accepted and has not been opposed and the time for notice of opposition has expired, or has been opposed and has been granted, the Registrar shall register the trade-mark as on the date of the lodging of the application, which date shall be deemed to be the date of the registration, and shall issue to the applicant a certificate of registration of the trade-mark in the prescribed form.

48. The registration of a trade-mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Act.

49.—(1.) Subject to this Act the person for the time being entered in the register as proprietor of a trade-mark shall have

power to assign the trade-mark, and to give effectual receipts for any consideration for such assignment.

(2.) No entry of any name shall affect the right of any owner of the same name to use it or its foreign equivalent.

(3.) Any equities in respect of a trade-mark may be enforced in like manner as in respect of any other personal property.

50. The registration of a person as proprietor of a trade-mark shall be *prima facie* evidence of his right to the exclusive use of the trade-mark upon the goods in respect to which it is registered and of the validity of the registration.

51. The registration of a person as proprietor of a trade-mark shall, after the expiration of five years from the date of registration (in the absence of fraud) be conclusive evidence of the validity of the registration, and, subject to this Act, of his right to the exclusive use of the trade-mark in respect of the goods in respect of which it is registered, upon the registered proprietor proving that he or his predecessors in title have continuously used the trade-mark in respect of the goods to a substantial extent for the five years immediately preceding the commencement of the legal proceedings.

For the purposes of this section user shall be deemed to be continuous if there has been no actual interruption thereof for a longer total period than twelve months.

52. No person shall be entitled to institute any proceedings to prevent or recover damages for the infringement of a trade-mark, unless in the case of a registrable trade-mark it is registered under this Act or a State Trade-marks Act.

53. The rights acquired by registration of a trade-mark shall be deemed to be infringed by the use, in respect of the goods in respect of which it is registered, of a mark substantially identical with the trade-mark or so nearly resembling it as to be likely to deceive.

In an action for the infringement of a trade-mark the Court, in trying the question of infringement, shall admit evidence of the usages of the trade in respect to the get-up of those goods and of any trade-marks or get-up legitimately used in respect of them by other persons.

Division 5.—*Renewal of Registration.*

54. The Registrar may, on application made by the registered proprietor of a trade-mark in the prescribed manner, at any date later than fourteen years from the date of the original registration or the last renewal of registration, as the case may be (in this Division termed "the date of the last registration"), renew the registration of the trade-mark for a period of fourteen years from the date of the expiry of the period of the last registration.

55. At the prescribed time before the expiration of fourteen years from the date of the last registration of a trade-mark, the Registrar shall send notice in the prescribed manner to the registered proprietor or his agent in Australia of the date at which the existing registration will expire and the conditions as to proof of substantial user and as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf those conditions have not been duly complied with, the Registrar may remove the trade-mark from the register, but any party aggrieved shall have a right to appeal in manner prescribed.

56. Where a trade-mark has been removed from the register for non-payment of the prescribed fee the Registrar may within three months from such removal, if satisfied that it is just so to do, restore such trade-mark to the register on payment of the prescribed additional fee for renewal.

57. Where a trade-mark has been removed from the register for non-payment of the fee for renewal, it shall, nevertheless, for the purpose of any application for registration during one year next after the date of the removal, be deemed to be a trade-mark which is already registered, unless it is shown to the satisfaction of the Registrar that non-payment of the fee arises from the death or bankruptcy or liquidation of the proprietor of the trade-mark, or from his having ceased to carry on business, and that no person claiming under that proprietor or under his bankruptcy is using the trade-mark.

PART V.—*Assignment of Trade-marks.*

58. A trade-mark when registered may be assigned and transmitted only in connection with the goodwill of the business concerned in the particular goods or class of goods in respect of which it has been registered, and shall be determinable with that goodwill.

59. In any case where by reason of dissolution of partnership or other cause a person ceases to carry on business, and the goodwill of the person does not pass to one successor but is divided, the Court may (subject to the provisions of this Act as to associated trade-marks and series of trade-marks), on the application of any of the parties interested, permit an apportionment of the registered trade-marks of the person among the persons in fact continuing the business, subject to such conditions and modifications as it thinks necessary in the public interest.

60. Associated trade-marks may be assigned or transmitted only as a whole.

PART VI.—*The Register of Trade-marks.*

61. There shall be kept at the Trade-marks Office a Register of Trade-marks wherein shall be entered particulars of—

(a.) All registered trade-marks, with the names and addresses of their proprietors, together with the date of registration and expiry thereof;

(b.) Notifications of assignments and transmissions, and disclaimers; and

(c.) Any other matters relating to registered trade-marks which are prescribed.

62. Where a trade-mark has been lawfully assigned or transmitted, a notification of the assignment or transmission, in the form and authenticated in the manner prescribed, may be given to the Registrar, who shall thereupon register the assignment.

63. No notice of any trust, expressed, implied, or constructive, shall be entered in the register, or be received by the Registrar.

64. The register shall be open to the inspection of the public at all convenient times, on payment of the prescribed fee.

65. Certified copies of entries in the register shall be given to any person applying for them on payment of the prescribed fee.

66. Documents purporting to be copies of or extracts from the register, and to be certified by the Registrar and sealed with the seal of the Trade-marks Office, shall be admitted in evidence in all Federal and State Courts without further proof or production of the originals.

67. No person shall wilfully—

(a.) Make any false entry in the register; or

(b.) Make any writing falsely purporting to be a copy of an entry in the register; or

(c.) Produce or tender in evidence any writing falsely purporting to be a copy of an entry in the register.

Penalty: Three years' imprisonment.

68.—(1.) The Registrar may, on request made in the prescribed manner by the registered proprietor of a trade-mark, amend or alter the register by—

(a.) Correcting any error in the name or address of the registered proprietor of the trade-mark;

(b.) Altering the name or address of the registered proprietor who has changed his name or address; or

(c.) Cancelling the registration of the trade-mark; or

(d.) Striking out any goods or classes of goods from those in respect of which the trade-mark is registered; or

(e.) Entering a disclaimer or memorandum relating to the trade-

mark which does not in any way extend the rights given by the registration of a trade-mark.

(2.) Where the register has been amended or altered under this section the Registrar may—

(a.) Cancel the certificate of registration of the trade-mark, and issue a new certificate of registration ; or

(b.) Make such amendments or alterations in the certificate of registration of the trade-mark as are rendered necessary by the amendment or alteration of the register.

69. Subject to the provisions of this Act, where a person becomes entitled to a registered trade-mark by assignment, transmission, or otherwise, the Registrar shall on request, and on proof of title to his satisfaction, cause the name and address of the person to be entered on the register as proprietor of the trade-mark.

70. The registered proprietor of a trade-mark may apply to the Court for leave to add to or alter the trade-mark in any manner not substantially affecting its identity, and the Court may refuse or grant the leave on such terms as it thinks fit. If leave be granted, the Registrar shall, on service of the order of leave, cause the register to be altered in accordance with the order, and shall, in the prescribed manner, advertise the trade-mark as altered.

71.—(1.) Subject to this Act, the Court, on the application of any person aggrieved or of the Registrar, may order the rectification of the register by—

(a.) The making of any entry wrongly omitted to be made in the register ; or

(b.) The expunging of any entry wrongly made in or remaining on the register ; or

(c.) The insertion in the register of any exception or limitation affecting the registration of a trade-mark which in the opinion of the Court ought to be inserted ; or

(d.) The correction of any error or defect in the register.

(2.) The Registrar shall only make application to the Court under this section in cases where he thinks the application necessary or desirable in the public interest.

(3.) Notice of every application to the Court pursuant to this section (other than an application by the Registrar) shall be given to the Registrar, who may be heard thereon.

72.—(1.) The Court may, on the application of any person aggrieved, if it is shown that there has been no *bonâ fide* user of a trade-mark for a consecutive period of three years since the date of the last registration thereof, order its removal from the register, unless it was at the date of the application in *bonâ fide* use and had been so for a period of six months immediately prior to the date of the application.

(2.) For the purpose of this section *bonâ fide* user or use means user or use of a trade-mark in respect of the goods in respect of which it is registered for the purposes of trade by the proprietor of the trade-mark or a predecessor in title.

73. The Registrar, upon being served with any order of the Court for the rectification of the register or for the removal of the registration of a trade-mark from the register by the party seeking to enforce it, shall cause the rectification or removal to be made accordingly.

PART VII.—*Workers' Trade-marks.*

74.—(1.) No person shall—

(a.) Falsely apply to any goods for the purpose of trade or sale; or

(b.) Knowingly sell or expose for sale, or have in his possession for sale or for any purpose of trade or manufacture, any goods to which there is falsely applied; or

(c.) Knowingly import into Australia any goods not produced in Australia to which there is applied

a mark which is a distinctive device, design, symbol, or label registered by any individual Australian worker or association of Australian workers, corporate or incorporate, for the purpose of indicating that articles to which it is applied are the exclusive production of the worker or of members of the association (and which mark is hereby declared to be a workers' trade-mark), or any mark substantially identical with a registered workers' trade-mark, or so nearly resembling it as to be likely to deceive.

(2.) The workers' trade-mark is falsely applied unless in truth—

(a.) The goods to which it is applied are exclusively the production of the worker or of members of the association; or

(b.) The goods to which it is applied are in part but not exclusively the production of the worker or of members of the association, and the mark is applied in such manner as clearly to indicate that its application does not refer to, describe, or designate the parts of the goods not being the production of the worker or of members of the association; and

(c.) The mark is applied to the goods (being goods produced in Australia) by the employer for whom they are produced, or, with the authority of the employer, by the worker or a member of the association registering the mark.

(3.) In this section—

“Association” includes any number of associations acting together, and in such case the members of the “association” shall be the members of the associations which are acting together;

“Production” means production, manufacture, workmanship, preparation, or product of labour ;

“Produced” has a meaning corresponding with “production.”

Penalty: Fifty pounds, in addition to any liability to forfeiture provided by law.

75.—(1.) A worker or association may register a workers' trade-mark in the prescribed manner and shall thereupon be deemed the registered proprietor thereof, and be entitled to institute legal proceedings to prevent and recover damages for any contravention of this Part in respect of that trade-mark.

(2.) A workers' trade-mark may be removed from the register for the causes and in the manner prescribed, and subject thereto the registration of the trade-mark shall continue for fourteen years, at the expiration of which it shall cease unless renewed in the manner prescribed.

(3.) A workers' trade-mark shall not be capable of assignment either by act of the parties or by operation of law.

(4.) Parts III, IV, V, and VI of this Act shall not apply in relation to workers' trade-marks.

(5.) A workers' trade-mark shall not be registered if it is substantially identical with any registered trade-mark within the meaning of this Act or so nearly resembles it as to be likely to deceive.

76. Nothing in this Part shall be so construed as to make it lawful for any person or association or combination of persons to do any act which it would have been unlawful for such person, association, or combination of persons to do before the commencement of this Act.

77. This Part shall not apply to any primary products of the agricultural, viticultural (including wine-making), horticultural, dairying (including butter-making and cheese-making), or pastoral industries.

PART VIII.—*The Commonwealth Trade-marks.*

78.—(1.) This Part shall apply to all goods included in or specified by a resolution passed by both Houses of the Parliament that in their opinion the conditions as to the remuneration of labour in connection with their manufacture are fair and reasonable.

(2.) A resolution shall be deemed to have been passed at the commencement of this Act by both Houses of the Parliament that the conditions as to the remuneration of labour are fair and reasonable in respect of goods which are manufactured in any part of the Commonwealth under conditions as to the remuneration of labour prescribed, required, or provided in relation to the goods, by an

industrial award or order, or an industrial agreement, under an industrial law.

(3.) In this Part "an industrial law" means any Act or State Act existing at the commencement of this Act and providing for conciliation or arbitration or both conciliation and arbitration, or the determination of the remuneration of labour in connection with industrial matters or the manufacture of goods, or any statutory modification, amendment, or re-enactment thereof respectively, or any Act or State Act passed after the commencement of this Act and declared by resolution of both Houses of the Parliament to be an industrial law within the meaning of this Part; and "industrial award or order" includes any determination of any Special Board or Court under an industrial law.

(4.) A resolution passed or deemed to have been passed as aforesaid may be by both Houses of the Parliament revoked in whole or in part, and thereupon this Part shall to the extent of the revocation cease to apply.

79.—(1.) The Minister may cause to be designed and registered a trade-mark (in this Part called the Commonwealth trade-mark), consisting of a distinctive device or label bearing the words "Australian Labour Conditions."

(2.) The Commonwealth trade-mark shall not contain the name of or indicate any State.

(3.) Parts III, IV, V, and VI of this Act shall not apply in relation to the Commonwealth trade-mark.

80.—(1.) Upon the registration of the Commonwealth trade-mark, the Minister shall be deemed to be the proprietor thereof, and shall be entitled to prevent the unauthorized application of the Commonwealth trade-mark.

(2.) The rights of the proprietor of the Commonwealth trade-mark shall be deemed to be infringed by the unauthorized application to goods of a mark identical or substantially identical with the Commonwealth trade-mark, or so nearly resembling it as to be likely to deceive.

(3.) The Minister may sue to prevent infringement of the Commonwealth trade-mark.

81. The application of the Commonwealth trade-mark to goods shall be deemed to be unauthorized unless—

(a.) It is applied by or by direction of the first proprietor of the goods, and is so applied by the authority of the Minister; and

(b.) It is applied to goods to which this Part applies; and

(c.) The first proprietor of the goods has personally manufactured them, or has paid for the labour other than his own in connection with their manufacture at least the minimum amount prescribed, required, or provided to be paid to persons actually making

the goods by an industrial award or order, or an industrial agreement under an industrial law.

82.—(1.) The authority of the Minister to any person to apply the Commonwealth trade-mark may be given either generally or in respect of specific goods, and shall be given if in his opinion the trade-mark will not be applied except as authorized by this Part.

(2.) The Minister may revoke his authority in whole or in part if in his opinion a person to whom it has been given has applied or is likely to apply the trade-mark in a manner unauthorized by this Part.

83.—(1.) No person shall wilfully infringe the rights of the Minister as proprietor of the Commonwealth trade-mark.

Penalty: Fifty pounds.

(2.) No person shall knowingly sell or expose for sale, or have in his possession for sale or for any purpose of trade or manufacture, any goods to which any mark is applied in infringement of the rights of the Minister as proprietor of the Commonwealth trade-mark.

Penalty: Fifty pounds.

84. No person shall knowingly import into Australia any goods, not manufactured or produced in Australia, to which there is applied—

(a.) The Commonwealth trade-mark, or

(b.) A mark substantially identical with the Commonwealth trade-mark, or

(c.) A mark so nearly resembling the Commonwealth trade-mark as to be likely to deceive.

Penalty: One hundred pounds in addition to any liability to forfeiture provided by law.

85. The Commonwealth trade-mark may, on the application of the Minister, be removed from the register in the manner prescribed.

PART IX.—*Protection of Trade-marks.*

86. Whoever—

(a.) Forges a registered trade-mark; or

(b.) Falsely applies a registered trade-mark to any goods; or

(c.) Makes any die, block, machine, or instrument for the purpose of forging or of being used for forging a registered trade-mark; or

(d.) Disposes of or has in his possession any die, block, machine, or instrument for the purpose of forging or of being used for forging a registered trade-mark,

shall, unless he proves that he acted without intent to defraud, be

guilty of an indictable offence, and liable to imprisonment for any term not exceeding three years.

87. Whoever sells or exposes for sale, or has in his possession for sale or for any purpose of trade or manufacture, any goods to which any forgery of a registered trade-mark is applied or to which any registered trade-mark is falsely applied, shall be guilty of an offence against this Act, unless he proves—

(a.) That he acted without intent to defraud; or

(b.) That the goods were manufactured in or imported into Australia and the trade-mark was applied to them before the commencement of this Act, and were held by him *bonâ fide* and without intent to defraud.

Penalty: One hundred pounds.

88. Whoever imports into Australia any goods to which any forgery of a registered trade-mark is applied, or to which a registered trade-mark is falsely applied, shall, unless he proves that he did not knowingly import the goods in contravention of this Act, be guilty of an offence against this Act.

Penalty: One hundred pounds.

89. Whoever aids, abets, counsels, or procures, or is in any way knowingly directly or indirectly concerned in or privy to—

(a.) The commission of any offence against this Act; or

(b.) The commission of any act outside Australia which if committed in Australia would be an offence against this Act, shall be guilty of an offence against this Act.

Penalty: One hundred pounds.

90.—(1.) The following goods are prohibited to be imported, and, if imported, may be seized as forfeited to the King:—

(a.) All goods to which any forgery of a registered trade-mark is applied, or to which any registered trade-mark is falsely applied; and

(b.) All goods manufactured at any place outside Australia and having applied to them any trade-mark being the registered trade-mark of any manufacturer, dealer, or trader in Australia, unless the trade-mark is accompanied by a definite indication of the country in which the goods were made or produced.

(2.) Subject to the regulations, the Comptroller-General, or on appeal from him the Minister, may, if in his opinion the contravention has not occurred either knowingly or negligently, permit any goods which are liable to be or have been seized as forfeited under this section to be delivered to the owner or importer upon security being given to the satisfaction of the Comptroller-General that the improper marks will be effectually removed from the goods or that the goods will be forthwith exported.

(3.) All imported goods liable to be seized under this section may be seized by any officer of Customs.

(4.) The provisions of "The Customs Act, 1901," shall apply to the seizure and forfeiture of goods under this section to the same extent as if they were prohibited imports under that Act.

(5.) Before taking any action under this section or permitting any officer of Customs to act thereunder, the Collector of Customs for the State may require any person requesting any action on the part of the Customs to give security in accordance with the regulations, but the Collector of Customs may act under this section without any request.

91. A person shall be deemed to forge a registered trade-mark who either—

(a.) Without the assent of the proprietor of the trade-mark or the authority of this Act, makes it or a mark so nearly resembling it as to be likely to deceive; or

(b.) Falsifies any registered trade-mark, whether by alteration, addition, effacement, or otherwise.

92.—(1.) A trade-mark shall be deemed to be applied to any thing if it is woven in, impressed on, worked into, or annexed or affixed to, the thing.

(2.) A trade-mark shall be deemed to be applied to goods if—

(a.) It is applied to the goods themselves; or

(b.) It is applied to any covering, label, reel, or thing in or with which the goods are sold or exposed or had in possession for any purpose of trade or manufacture; or

(c.) It is used in any manner likely to lead to the belief that it refers to or describes or designates the goods.

(3.) "Covering" includes any stopper, glass, bottle, vessel, box, capsule, case, frame, or wrapper; and "label" includes any band or ticket.

(4.) A trade-mark shall be deemed to be falsely applied to goods if, without the assent of the proprietor of the trade-mark or the authority of this Act, it or a mark so nearly resembling it as to be likely to deceive is applied to the goods.

93. In any indictment, information, pleading, or proceeding in relation to a registered trade-mark, it shall not be necessary to set out a copy or fac-simile of the trade-mark or a description of it; but the trade-mark may be referred to as a registered trade-mark.

PART X.—*Miscellaneous.*

94. The Governor-General may make regulations, not inconsistent with this Act, prescribing the fees to be paid under this Act and all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for

giving effect to this Act or for the conduct of any business relating to the Trade-marks Office.

95. In addition to any other powers conferred on it by this Act, the Court may in relation to any appeal or application under this Act—

(a.) Refuse to make any order;

(b.) Order any issue of fact to be tried in such manner as it directs;

(c.) Order any party to deliver to the Court or to the Registrar the certificate of registration of any trade-mark; and

(d.) Order any party to pay costs to any other party.

96. The Registrar and the Law Officer, respectively, may for the purposes of this Act—

(a.) Summon witnesses;

(b.) Require the production of documents; and

(c.) Award costs against any party to any proceeding before him.

97. No person who has been summoned to appear as a witness before the Registrar or the Law Officer shall, without lawful excuse, and after tender of reasonable expenses, fail to appear in obedience to the summons.

Penalty: Fifty pounds.

98. No person who appears before the Registrar or the Law Officer as a witness shall, without lawful excuse, refuse to be sworn or make an affirmation or to produce documents or to answer questions which he is lawfully required to answer.

Penalty: Fifty pounds.

99. Any sum awarded for costs by the Registrar or the Law Officer may, in default of payment, be recovered in any civil court of competent jurisdiction as a debt due by the person against whom the order is made to the person in whose favour the order is made.

100.—(1.) In any legal proceeding in which the validity of the registration of a registered trade-mark comes into question, the Court or a Justice may certify that the right to the exclusive use of the trade-mark came in question and was decided in favour of the registered proprietor of the trade-mark, and then in any subsequent action for infringement of the trade-mark the plaintiff on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between solicitor and client, unless the Court or a Justice trying the subsequent action certifies that he ought not to have them.

(2.) In this section “Court” means any Federal Court or any superior State Court having jurisdiction to entertain an action for infringement of a trade-mark, and “Justice” means a Justice of any such Court.

101. No person shall wilfully make any false statement or representation to deceive the Registrar or any officer in the execution of this Act, or to procure or influence the doing or omission of anything in relation to this Act or any matter thereunder.

Penalty: three years' imprisonment.

102. The Registrar may at any time before registration of a trade-mark permit the amendment of the application for the registration of the trade-mark, and may at any time permit the amendment of any notice of opposition on such terms as to costs or otherwise as he thinks just.

103. Where any discretionary power is by this Act given to the Registrar, he shall not exercise that power adversely to the applicant for registration of a trade-mark without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

104. Where any prescribed fee is payable in respect of any act or document the Registrar may refuse to permit or perform the act or to receive or issue the document as the case requires until the fee payable in respect thereof is paid.

105. Where by this Act any time is specified within which any act or thing is to be done, the Registrar may, unless otherwise expressly provided, extend the time either before or after its expiration.

106. Any application, notice, or other document, authorized or required under this Act to be left, made, or given at the Trade-marks Office, or to the Registrar, or to any other person, may be sent by a prepaid letter through the post.

107.—(1.) Any address for service stated in any application or notice of opposition shall for all purposes of the application or notice of opposition be deemed to be the address of the applicant or opponent, as the case requires; and all documents in relation to the application or notice of opposition may be served by leaving them at or sending them to the address for service of the applicant or opponent, as the case requires.

(2.) Any address for service may be changed by notice in writing to the Registrar.

108. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this Act or the regulations, then the guardian or committee (if any) of such incapable person, or if there be none any person appointed by any Federal or State Court or Justice thereof, possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of the incapable person or of any other person interested in the making of such declaration or doing such thing, may make the declaration or a declaration

as nearly corresponding thereto as circumstances permit, and do the thing in the name and on behalf of the incapable person, and all acts done by such substitute shall for the purpose of this Act be as effectual as if done by the person for whom he is substituted.

109. If a person who is party to a proceeding under this Act dies pending the proceeding, the Registrar may on request made in the prescribed manner, and on proof to his satisfaction of the transmission of the interest of the deceased person, substitute in the proceeding his successor in interest in his place, or, if he is of opinion that the interest of the deceased person is sufficiently represented by the surviving parties, permit the proceeding to continue without such substitution.

110. Subject to the regulations the Registrar may permit any agent to do, on behalf of any other person, any act in connection with the registration of trade-marks or any procedure relating thereto.

111. A certificate purporting to be under the hand of the Registrar and the seal of the Trade-marks Office as to any entry, matter, or thing which he is authorized by this Act to make or do shall be *primâ facie* evidence of the entry having been made and of the contents thereof, and of the matter or thing having been done or left undone.

112.—(1.) No person shall falsely represent that any trade-mark, applied to any article sold by him, is registered.

Penalty: Five pounds.

(2.) A person shall be deemed, for the purposes of this section, to represent that a trade-mark is registered, if he sells the article with the word "registered" or any word or words expressing or implying that a registration has been obtained for the trade-mark stamped, engraved, or impressed on, or otherwise applied to, the article.

113. No person shall without the authority of the King, or of some member of the Royal Family, or of the Governor-General, or of the Governor of a State, or of some Department of the Government of the Commonwealth or a State (proof whereof shall lie upon the person accused), assume or use in connection with any trade, business, calling, or profession, the Royal Arms, or arms so nearly resembling them as to be likely to deceive in such a manner as to be likely to lead other persons to believe that he is carrying on his trade, business, calling, or profession, by or under such authority.

Penalty: Twenty pounds.

114. No scandalous design, and no mark the use of which would by reason of its being likely to deceive or otherwise be deemed disentitled to protection in a Court of Justice, or the use of which would be contrary to law or morality, shall be used or registered as a trade-mark or part of a trade-mark.

115.—(1.) If upon the request of the Governor-General the King is pleased to apply to the Commonwealth any law of the United Kingdom for carrying into effect any arrangement made with the Government of any foreign State for the mutual protection of trade-marks, then any person who has applied for protection for any trade-mark in the United Kingdom or the Isle of Man, or in any foreign State with which the arrangement has been made, shall be entitled to registration of his trade-mark under this Act in priority to other applicants, and such registration shall have the same date as the date of the original application in the United Kingdom or the Isle of Man or such foreign State as the case may be—

Provided that such application shall be made within six months from such person applying for protection in the United Kingdom or the Isle of Man or the foreign State with which the arrangement is in force :

Provided also that nothing in this section contained shall entitle the proprietor of the trade-mark to recover damages for infringement happening prior to the date of the actual registration of his trade-mark in the Commonwealth.

(2.) The use of the trade-mark in the Commonwealth during the period aforesaid shall not invalidate its registration.

(3.) The application for the registration of a trade-mark under this section must be made in the same manner as an ordinary application under this Act.

(4.) The provisions of this section shall, in the case of foreign States, apply only to those foreign States with respect to which His Majesty, by Order in Council, has before or after the commencement of this Act declared the provisions of the aforesaid law to be applicable, and so long only in the case of each such State as the order continues in force with respect to that State.

116.—(1.) Where it is made to appear to the Governor-General that any British possession has made satisfactory provision for the protection in that possession of trade-marks registered in the Commonwealth, the Governor-General may by order apply all or any of the provisions of the last preceding section with such variations or additions (if any) as to him seem fit to trade-marks registered in that British possession.

(2.) An order under this section shall, from a date to be mentioned therein, take effect as if its provisions were contained in this Act; but it shall be lawful for the Governor-General to revoke any such order.

ACT of the Australian Commonwealth, relating to Copyright.

[No. 25.]

[Assented to December 21, 1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—*Preliminary.*

1. This Act may be cited as "The Copyright Act, 1905."
2. This Act shall commence on a day to be fixed by Proclamation.
3. This Act is divided as follows:—

Part I.—Preliminary.

Part II.—Administration.

Part III.—Literary, Musical, and Dramatic Copyright.

Part IV.—Artistic Copyright.

Part V.—Infringement of Copyright.

Part VI.—International and State Copyright.

Part VII.—Registration of Copyrights.

Part VIII.—Miscellaneous.

4. In this Act, unless the contrary intention appears—

"Artistic work" includes—

(a.) Any painting, drawing, or sculpture; and

(b.) Any engraving, etching, print, lithograph, woodcut, photograph, or other work of art produced by any process, mechanical or otherwise, by which impressions or representations of works of art can be taken or multiplied:

"Author" includes the personal representatives of an author:

"Book" includes any book or volume, and any part or division of a book or volume, and any article in a book or volume, and any pamphlet, periodical, sheet of letterpress, sheet of music, map, chart, diagram, or plan separately published, and any illustration therein:

"Dramatic work," in addition to being included in the definition of book, means any tragedy, comedy, play, drama, farce, burlesque, libretto of an opera, entertainment, or other work of a like nature, whether set to music or otherwise, lyrical work set to music, or other scenic or dramatic composition:

"Lecture" includes a sermon:

"Musical work" in addition to being included in the definition of book, includes any combination of melody and harmony, or either of them, printed, reduced to writing, or otherwise graphically produced or reproduced:

“Periodical” means a review, magazine, newspaper, or other periodical work of a like nature :

“Pirated artistic work” means a reproduction of an artistic work made in any manner without the authority of the owner of the copyright in the artistic work :

“Pirated book” means a reproduction of a book made in any manner without the authority of the owner of the copyright in the book :

“Portrait” includes any work the principal object of which is the representation of a person by painting, drawing, engraving, photography, sculpture, or any form of art :

“Publish” and “Publication” in relation to a book refer to offer for sale or distribution, in each case with the privity of the author, so as to make the book accessible to the public :

“The Registrar” means the Registrar of Copyrights or a Deputy Registrar of Copyrights :

“State Copyright Act” means any State Act relating to the registration of the copyright or performing right, or lecturing right in books, or dramatic or musical works, or in artistic works or fine art works, or in lectures.

5. For the purposes of this Act publication, performance, or delivery in the Commonwealth shall be deemed to be simultaneous with publication, performance, or delivery elsewhere if the period between the publications, performances, or deliveries does not exceed fourteen days.

6. No copyright, performing right, or lecturing right, shall subsist under this Act in any blasphemous, indecent, seditious, or libellous work or matter.

7. Subject to this and any other Acts of the Parliament, the Common Law of England relating to proprietary rights in unpublished literary compositions shall, after the commencement of this Act, apply throughout the Commonwealth.

8.—(1.) The State Copyright Acts so far as they relate to the copyright in any book, the performing right in any musical or dramatic work, the lecturing right in any lecture, or the copyright in any artistic or fine art work shall not apply to any book, dramatic or musical work, lecture, or artistic work in which copyright, performing right, or lecturing right, subsists under this Act.

(2.) Subject to Part II of this Act, nothing in this Act shall affect the application of the laws in force in any State at the commencement of this Act to any copyright or other right in relation to books or dramatic or musical works or lectures or artistic or fine art works acquired under or protected by those laws before the commencement of this Act.

PART II.—*Administration.*Division 1.—*The Registrar and the Copyright Office.*

9.—(1.) There shall be a Registrar of Copyrights.

(2.) The Governor-General may appoint one or more Deputy Registrars of Copyrights who shall, subject to the control of the Registrar of Copyrights, have all the powers conferred by this Act on the Registrar.

10. For the purposes of this Act an office shall be established which shall be called the Copyright Office.

11. There shall be a seal of the Copyright Office, and impressions thereof shall be judicially noticed.

Division 2.—*The Transfer of the Administration of the State Copyright Acts.*

12. The Governor-General may, by Proclamation, declare that, from and after a date specified in the Proclamation, the administration of the State Copyright Acts of any State so far as they relate to the registration of the copyright in any book, the performing right in any musical or dramatic work, the lecturing right in any lecture, and the copyright in any artistic or fine art work, or to the registration of any assignment or grant of, or licence in relation to, any such right, shall be transferred to the Commonwealth and thereupon, so far as is necessary for the purposes of this section—

(a.) The State Copyright Acts of the State shall cease to be administered by the State, and shall thereafter be administered by the Commonwealth so far as is necessary for the purpose of completing then pending proceedings and of giving effect to then existing rights, and the Registrar shall collect for the State all fees which become payable thereunder; and

(b.) All powers and functions under any State Copyright Act vested in the Governor of the State, or in the Governor with the advice of the Executive Council of the State, or in any Minister, officer, or authority of the State, shall vest in the Governor-General, or in the Governor-General in Council, or in the Minister, officer, or authority exercising similar powers under the Commonwealth, as the case requires or as is prescribed; and

(c.) All records, registers, deeds and documents of the Copyright Office of the State vested in or subject to the control of the State shall, by force of this Act, be vested in and made subject to the control of the Commonwealth.

PART III.—*Literary, Musical, and Dramatic Copyright.*

13.—(1.) The copyright in a book means the exclusive right to do, or authorize another person to do, all or any of the following things in respect of it:—

- (a.) To make copies of it;
- (b.) To abridge it;
- (c.) To translate it;
- (d.) In the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- (e.) In the case of a novel or other non-dramatic work, to convert it into a dramatic work; and
- (f.) In the case of a musical work, to make any new adaptation, transposition, arrangement, or setting of it, or of any part of it, in any notation.

(2.) Copyright shall subsist in every book, whether the author is a British subject or not, which has been printed from type set up in Australia, or plates made therefrom, or from plates or negatives made in Australia in cases where type is not necessarily used, and has, after the commencement of this Act, been published in Australia, before or simultaneously with its first publication elsewhere.

14.—(1.) The performing right in a dramatic or musical work means the exclusive right to perform it, or authorize its performance, in public.

(2.) Performing right shall subsist in every dramatic or musical work, whether the author is a British subject or not, which has, after the commencement of this Act, been performed in public in Australia, before or simultaneously with its first performance in public elsewhere.

15.—(1.) The lecturing right in a lecture means the exclusive right to deliver it, or authorize its delivery, in public, and, except as hereinafter provided, to report it.

(2.) Lecturing rights shall subsist in every lecture, whether the author is a British subject or not, which has, after the commencement of this Act, been delivered in public in Australia, before or simultaneously with its first delivery in public elsewhere.

16.—(1.) The copyright in a book shall begin with its first publication in Australia.

(2.) The performing right in a dramatic or musical work shall begin with its first performance in public in Australia.

(3.) The lecturing right in a lecture shall begin with its first delivery in public in Australia.

17.—(1.) The copyright in a book, the performing right in a dramatic or musical work, and the lecturing right in a lecture, shall

subsist for the term of forty-two years, or for the author's life and seven years, whichever shall last the longer.

(2.) Where the first publication of a book, the first performance in public of a musical or dramatic work, or the first delivery in public of a lecture takes place after the death of the author, the copyright, performing right, or lecturing right, as the case may be, shall subsist for the term of forty-two years.

(3.) Where a book or a dramatic or musical work is written by joint authors the copyright and the performing right shall subsist for the term of forty-two years or their joint lives and the life of the survivor of them, and seven years, whichever shall last the longer.

(4.) If a lecture is published as a book with the consent in writing of the owner of the lecturing right, the lecturing right shall cease.

18.—(1.) The author of a book shall be the first owner of the copyright in the book.

(2.) The author of a dramatic work or musical work shall be the first owner of the performing right in the dramatic or musical work.

(3.) The author of a lecture shall be the first owner of the lecturing right in the lecture.

19. Where there are joint owners of a book, or of a dramatic or musical work, or of a lecture, the copyright, or the performing right, or the lecturing right, as the case may be, shall be the property of the authors.

20. Where a book is written in distinct parts by separate authors and the name of each author is attached to the portion written by him, each author shall be entitled to copyright in the portion written by him in the same manner as if it were a separate book.

21. The proprietor or projector of an encyclopædia or other similar permanent work of reference who employs some other person for valuable consideration in the composition of the whole or any part of the work shall be entitled to the copyright in the work in the same manner as if he were the author thereof.

22.—(1.) The author of any article, contributed for valuable consideration to and first published in a periodical, shall be entitled to copyright in the article as a separate work, but so that—

(a.) He shall not be entitled to publish the article or authorize its publication until one year after the end of the year in which the article was first published, and

(b.) His right shall not exclude the right of the proprietor of the periodical under this section.

(2.) The proprietor of a periodical in which an article, which has been contributed for valuable consideration, is first published shall be entitled to copyright in the article, but so that—

(a.) He shall not be entitled to publish the article or authorize

its publication except in the periodical in its original form of publication, and

(b.) His right shall not exclude the right of the author of the article, under this section.

23. The author of any article contributed without valuable consideration to, and first published in, a periodical, shall be entitled to copyright in the article as a separate work.

24. The copyright in a book, the performing right in a dramatic or musical work, and the lecturing right in a lecture shall be personal property, and shall be capable of assignment and of transmission by operation of law.

25. The copyright in a book, and the performing right in a dramatic or musical work and the lecturing right in a lecture shall be deemed to be distinct properties for the purposes of ownership, assignment, licence, transmission, and all other purposes.

26. The owner of the copyright in a book, or of the performing right in a dramatic or musical work, or of the lecturing right in a lecture, may assign his right either wholly or partially and either generally or limited to any particular place or period, and may grant any interest therein by licence; but an assignment or grant shall not be valid unless it is in writing signed by the owner of the right in respect of which it is made or granted.

27. Any second or subsequent edition of a book containing material or substantial alterations or additions shall be deemed to be a new book, but so as not to prejudice the right of any person to reproduce a former edition of the book or any part thereof after the expiration of the copyright in the former edition:

Provided that while the copyright in a book subsists no person, other than the owner of the copyright in the book or a person authorized by him, shall be entitled to publish a second or subsequent edition thereof.

28. Copyright in a book shall not be infringed by a person making an abridgment or translation of the book for his private use (unless he uses it publicly or allows it to be used publicly by some other person), or by a person making fair extracts from or otherwise fairly dealing with the contents of the book for the purpose of a new work, or for the purposes of criticism, review, or refutation, or in the ordinary course of reporting scientific information.

29. Where the author has parted with the copyright in his book and a translation or abridgment of the book is made with the consent of the owner of the copyright by some person other than the author, notice shall be given in the title-page of every copy of the translation or abridgment that it has been made by some person other than the author.

30. Where a translation of a book into a particular language is

not made within ten years from the date of the publication of the book by the owner of the copyright or by some person by his authority—

(a.) Any person desirous of translating the book into that language may make an application in writing to the Minister for permission so to do:

(b.) The Minister may thereupon by notice in writing inform the owner of the copyright of such application and request him to make or cause to be made a translation of the book into that language within such time as the Minister deems reasonable or to show cause why such application should not be granted:

(c.) If the owner of the copyright fails to comply with such notice the Minister may grant such application.

31. Copyright shall subsist in a lawfully-produced translation or abridgment of a book in like manner as if it were an original work.

32.—(1.) Where a dramatic or musical work is published as a book, and it is intended that the performing right is to be reserved, the owner of the copyright, whether he has parted with the performing right or not, shall cause notice of the reservation of the performing right to be printed on the title page or in a conspicuous part of every copy of the book.

(2.) Where—

(a.) Proceedings are taken for the infringement of the performing right in a dramatic or musical work published as a book, and

(b.) The defendant proves to the satisfaction of the Court that he has in his possession a copy of the book containing the dramatic or musical work, and that that copy was published with the consent of the owner of the copyright, and does not contain the notice required by this Act of the reservation of the performing right, judgment may be given in his favour either with or without costs as the Court, in its discretion, thinks fit; but in any such case the owner of the performing right (if he is not the owner of the copyright) shall be entitled to recover from the owner of the copyright damages in respect of the injury he has incurred by the neglect of the owner of the copyright to cause due notice to be given of the reservation of the performing right.

33.—(1.) Unless the reporting of a lecture is prohibited by a notice as in this section mentioned, a lecturing right in a lecture shall not be infringed by a report of the lecture in a newspaper.

(2.) The notice prohibiting the reporting of a lecture may be given—

(a.) Orally at the beginning of the lecture; or

(b.) By a conspicuous written notice affixed, before the lecture is given, on the entrance doors of the building in which it is given or in a place in the room in which it is given.

(3.) When a series of lectures is intended to be given by the same lecturer on the same subject, one notice only need be given in respect of the whole series.

PART IV.—*Artistic Copyright.*

34. The copyright in an artistic work means the exclusive right of the owner of the copyright to reproduce or authorize another person to reproduce the artistic work, or any material part of it, in any manner, form, or size, in any material, or by any process, or for any purpose.

35. Copyright shall subsist in every artistic work whether the author is a British subject or not, which is made in Australia after the commencement of this Act.

36. The copyright in an artistic work shall begin with the making of the work, and shall subsist for the term of forty-two years, or for the author's life and seven years, whichever shall last the longer.

37. The author of an artistic work shall be the first owner of the copyright in the work.

38. When an artistic work, being a portrait, is made to order for valuable consideration the person to whose order it is made shall be entitled to the copyright therein as if he were the author thereof.

39.—(1.) When a photograph is made to order for valuable consideration the person to whose order it is made shall be entitled to the copyright therein as if he were the author thereof.

(2.) Subject to sub-section (1) of this section, when a photograph is made by an employee on behalf of his employer the employer shall be deemed to be the author of the photograph.

40.—(1.) Subject to section 34 of this Act the engraver or other person who makes the plate or other instrument by which copies of an artistic work are multiplied shall be deemed to be the author of the copies produced by means of the plate or instrument.

(2.) When the plate or other instrument mentioned in this section is made by an employee on behalf of his employer the employer shall be deemed to be the author of the copies produced by means of the plate or instrument.

41.—(1.) When the owner of the copyright in any artistic work being a painting, or a statue, bust, or other like work, disposes of such work for valuable consideration, but does not assign the copyright therein, the owner of the copyright (except as in this section mentioned) may in the absence of any agreement in writing to the contrary make a replica of such work.

(2.) When a statue, bust, or other like work, whether made to order or not, is placed or is intended to be placed in a street or

other like public place, the author may, in the absence of any agreement to the contrary, make replicas thereof.

42. The copyright in an artistic work shall be personal property, and shall be capable of assignment and of transmission by operation of law.

43. The copyright in an artistic work and the ownership of the artistic work shall be deemed to be distinct properties for the purposes of ownership, assignment, licence, transmission, and all other purposes.

44. The owner of the copyright in an artistic work may assign his right wholly or partially and either generally or limited to any particular place or period, and may grant any interest therein by licence; but an assignment or grant shall not be valid unless it is in writing signed by the owner of the copyright.

PART V.—*Infringement of Copyright.*

45. If any person infringes any right conferred by this Act in respect of the copyright in a book, the performing right in a dramatic or musical work, the lecturing right in a lecture, or the copyright in an artistic work, the owner of the right infringed may maintain an action for damages or penalties or profits, and for an injunction, or for any of those remedies.

46. In assessing the damages in respect of the infringement of the performing right in a dramatic or musical work or the lecturing right in a lecture, regard shall be had to the amount of profit made by the infringer by reason of the infringement, and to the amount of actual damage incurred by the owner of the performing or lecturing right.

47. The plaintiff in any action for the infringement of a right conferred by this Act shall be presumed to be the owner of the right which he claims, unless the defendant in his pleadings in defence pleads that the defendant disputes the title of the plaintiff, and states the grounds on which the plea is founded, and the name of the person, if any, whom the defendant alleges to be the owner of the right.

48. No action for any infringement of copyright, performing right, or lecturing right under this Act shall be maintainable unless it is commenced within two years next after the infringement is committed.

49. All pirated books and all pirated artistic works shall be deemed to be the property of the owner of the copyright in the book or work and may, together with the plates, blocks, stone, matrix, negative, or thing, if any, from which they are printed or made, be recovered by him by action or other lawful method.

50. If any person—

(a.) Sells, or lets for hire, or exposes, offers, or keeps for sale or hire, any pirated book or any pirated artistic work; or

(b.) Distributes, or exhibits in public, any pirated book or any pirated artistic work; or

(c.) Imports into Australia any pirated book or any pirated artistic work,

he shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding 5*l.* for each copy of such pirated book or pirated artistic work dealt with in contravention of this section, and also to forfeit to the owner of the copyright every such copy so dealt with, and also to forfeit the plates, blocks, stone, matrix, negative, or thing, if any, from which the pirated book or pirated artistic work was printed or made :

Provided that the whole penalties inflicted on any one offender in respect of the same transaction shall not exceed 50*l.* :

Provided also that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court at the hearing that he did not know, and could not with reasonable care have ascertained, that the book was a pirated book or the work was a pirated artistic work.

51. Where a dramatic or musical work is performed in a theatre or other place in infringement of the performing right of the owner of that right, the proprietor, tenant, or occupier who permitted the theatre or place to be used for the performance shall be deemed to have infringed the performing right and shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding 5*l.* for each such offence, and the Court may, in addition to the penalty, order the defendant to pay to the owner of the performing right in respect of each such infringement a sum by way of damages to the amount of 10*l.*, or to such amount as the Court deems equal to the profits made by the performance of the work, whichever sum is greater :

Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the Court at the hearing that he did not know, and could not with reasonable care have ascertained, that the dramatic or musical work was performed in infringement of the performing right of the owner of that right.

52.—(1.) A Justice of the Peace may upon the application of the owner of the copyright in any book or in any artistic work or of the agent of such owner appointed in writing—

(a.) If satisfied by evidence that there is reasonable ground for believing that pirated books or pirated artistic works are being sold, or offered for sale—issue a warrant, in accordance with the form prescribed, authorizing any constable to seize the pirated books or

pirated artistic works and to bring them before a Court of Summary Jurisdiction.

(b.) If satisfied by evidence that there is reasonable ground for believing that pirated books or pirated artistic works are to be found in any house, shop, or other place—issue a warrant, in accordance with the form prescribed, authorizing any constable to search between sunrise and sunset, the place where the pirated books or pirated artistic works are supposed to be, and to seize and bring them or any books or artistic works reasonably suspected to be pirated books or pirated artistic works before a Court of Summary Jurisdiction.

(2.) A Court of Summary Jurisdiction may, on proof that any books or artistic works brought before it in pursuance of this section are pirated books or pirated artistic works, order them to be destroyed or to be delivered up, subject to such conditions, if any, as the Court thinks fit, to the owner of the copyright in the book or artistic work.

53.—(1.) The owner of the copyright in any book or artistic work, or the agent of such owner appointed in writing, may by notice, in accordance with the prescribed form, require any person to deliver up to him any pirated reproduction of the book or work, and every person to whom such notice has been given, and who has any pirated reproduction of the book or work in his possession or power, shall deliver up the pirated reproduction of the book or work in accordance with the notice.

Penalty: 10*l*.

(2.) A person shall not give any notice in accordance with this section without just cause.

Penalty: 20*l*.

(3.) In any prosecution under sub-section (2) of this section the defendant shall be deemed to have given the notice without just cause unless he proves, to the satisfaction of the Court at the hearing, that at the time of giving the notice he was the owner of the copyright in the book or artistic work or was the agent of such owner appointed in writing, and had reasonable ground to believe that the person to whom the notice was given had pirated reproductions of the book or work in his possession or power.

54.—(1.) The owner of the performing right in a musical or dramatic work, or the agent of the owner appointed in writing, may, by notice in writing in accordance with the prescribed form, forbid the performance of the musical or dramatic work in infringement of his right, and require any person to refrain from performing or taking part in the performance of the musical or dramatic work; and every person to whom a notice has been given in accordance with this section shall refrain from performing or taking part in the perform-

ance of the musical or dramatic work specified in the notice in infringement of the performing right of such owner.

Penalty: 10%.

(2.) A person shall not give any notice in pursuance of this section without just cause.

Penalty: 20%.

(3.) In any prosecution under sub-section (2) of this section, the defendant shall be deemed to have given the notice without just cause unless he proves, to the satisfaction of the Court at the hearing, that at the time of giving the notice he was the owner of the performing right in the musical or dramatic work, or the agent of the owner appointed in writing, and had reasonable ground to believe that the person to whom the notice was given was about to perform or take part in the performance of the musical or dramatic work in infringement of the performing right of the owner.

55. Any person, who in any notice given in pursuance of this Act, makes a representation, which is false in fact and which he knows to be false or does not believe to be true, that he is—

(a.) The owner of the copyright in any book or artistic work ;
or

(b.) The owner of the performing right in a musical or dramatic work ; or

(c.) The agent of any such owner,
shall be guilty of an offence against this Act.

Penalty: Two years' imprisonment.

56.—(1.) The owner of the copyright in any book or artistic work or the agent of such owner appointed in writing may, in accordance with the prescribed form, request that any pirated reproductions of the book or work be seized by the police, and may lodge the request at any police station.

(2.) Any police constable in the town or district in which the police station is situated (whether in the service of the Commonwealth or of a State) may, at any time in the daytime within seven days after the request was so lodged, seize all pirated reproductions of the book or work mentioned in the notice, and all reproductions of the book or work which he has reasonable ground to believe are pirated reproductions, found by him in the possession of any person other than the owner of the copyright in the book or work.

(3.) Every police constable who seizes any books or works in pursuance of this section shall forthwith bring all such books or works before a Court of Summary Jurisdiction.

(4.) A Court of Summary Jurisdiction may, on the application of any person interested, make such order for the disposal of the books or works as it thinks just.

(5.) A person shall not lodge any request at any police station in accordance with this section without just cause.

Penalty : 20*l*.

(6.) In any prosecution under sub-section (5) of this section the defendant shall be deemed to have lodged the request without just cause unless he proves, to the satisfaction of the Court at the hearing, that at the time of lodging the request he was the owner of the copyright in the book or artistic work, or was the agent of such owner appointed in writing and had reasonable ground to believe that pirated reproductions of the book or work were being unlawfully sold, or let for hire, or exposed or offered or kept for sale or hire, or distributed, or exhibited in public, in the town or district in which the police station is situated.

57. Where proceedings for any penalty under this Act are instituted by the owner of the copyright in any book or in any artistic work or by the owner of the artistic work, the penalty shall be paid to him by way of compensation for the injury he has sustained. In any other case the penalty shall be paid to the Consolidated Revenue Fund.

58. Whoever aids, abets, counsels, or procures, or by act or omission is in any way, directly or indirectly, knowingly concerned in the commission of any offence against this Act, shall be deemed to have committed that offence, and shall be punished accordingly.

59. Proceedings may be instituted in any Court of Summary Jurisdiction for the recovery of any penalty under this Act, but no such proceedings shall be instituted after the expiration of six months from the date of the offence in respect of which the penalty is imposed.

60. An appeal shall lie from any conviction or order (including any dismissal of any information, complaint, or application) of a Court of Summary Jurisdiction, exercising jurisdiction with respect to any offence or matter under this Act, to the Court and in the manner and time provided by the law of the State in which the proceedings were instituted in the case of appeals from Courts of Summary Jurisdiction in that State.

61.—(1.) The following goods are prohibited to be imported :—

(a.) All pirated books in which copyright is subsisting in Australia (whether under this Act or otherwise); and

(b.) All pirated artistic works in which copyright is subsisting in Australia (whether under this Act or otherwise).

(2.) All pirated books and pirated artistic works imported into Australia contrary to this section shall be forfeited and may be seized by any officer of Customs.

(3.) Subject to this Act the provisions of "The Customs Act

1901," shall apply to the seizure and forfeiture of pirated books and artistic works under this section to the same extent as if they were prohibited imports under that Act.

(4.) The provisions of this section shall not apply to any book or artistic work unless the owner of the copyright therein or his agent has given written notice to the Minister of the existence of the copyright and of its term.

(5.) A notice given to the Commissioners of Customs of the United Kingdom, by the owner of the copyright or his agent, of the existence of the copyright in a book or artistic work and of its term, and communicated by the said Commissioners to the Minister shall be deemed to have been given by the owner to the Minister.

PART VI.—*International and State Copyright.*

62. The owner of any copyright or performing right in any literary, musical, or dramatic work or artistic work entitled to protection in Australia by virtue of any Act of the Parliament of the United Kingdom, or entitled to protection in any State by virtue of any State Copyright Act in force at the commencement of this Act, shall on obtaining a certificate of the registration of his copyright or performing right under this Part of this Act have the same protection in the Commonwealth against the infringement of his copyright or performing right as the owner of any copyright or performing right under this Act.

63.—(1.) The owner of any copyright or performing right who desires to obtain the benefit of this Part of this Act may, in manner and in accordance with the form prescribed, make application to the Registrar for the registration of his copyright or performing right.

(2.) The Registrar may thereupon, and on being satisfied by proof of the prescribed particulars and on payment of the prescribed fee, register the copyright or performing right and issue to the applicant a certificate of registration in accordance with the prescribed form.

PART VII.—*Registration of Copyrights.*

64. The following Registers of Copyrights shall be kept by the Registrar at the Copyright Office:—

The Register of Literary Copyrights.

The Register of Fine Arts Copyrights.

The Register of International and State Copyrights.

65. The owner of any copyright, performing right, or lecturing right under this Act may obtain registration of his right in the manner prescribed.

66. When any person becomes entitled to any copyright, performing right, or lecturing right under this Act by virtue of any assignment or transmission, or to any interest therein by licence, he may obtain registration of the assignment, transmission, or licence in the manner prescribed.

67. The registration of any copyright, performing right, or lecturing right under this Act, or of any assignment or transmission thereof, or of any interest therein by licence, shall be effected by entering in the proper register the prescribed particulars relating to the right, assignment, transmission, or licence.

68.—(1.) No notice of any trust expressed, implied, or constructive shall be entered in any Register of Copyrights under this Act or be receivable by the Registrar.

(2.) Subject to this section, equities in respect of any copyright, performing right, or lecturing right under this Act may be enforced in the same manner as equities in respect of other personal property.

69. Every Register of Copyrights under this Act shall be *prima facie* evidence of the particulars entered therein, and documents purporting to be copies of any entry therein or extracts therefrom certified by the Registrar and sealed with the seal of the Copyright Office shall be admissible in evidence in all Federal or State Courts without further proof or production of the originals.

70. Certified copies of entries in any register under this Act or of extracts therefrom shall on payment of the prescribed fee be given to any person applying for them.

71. Each register under this Act shall be open to public inspection at all convenient times on payment of the prescribed fee.

72. The Registrar may, in prescribed cases and subject to the prescribed conditions, amend or alter any register under this Act by—

(a.) Correcting any error in any name, address, or particular; and

(b.) Entering any prescribed memorandum or particular relating to copyright or other right under this Act.

73.—(1.) Subject to this Act the Supreme Court of any State or a Judge thereof may, on the application of the Registrar or of any person aggrieved, order the rectification of any register under the Act by—

(a.) The making of any entry wrongly omitted to be made in the register; or

(b.) The expunging of any entry wrongly made in or remaining on the register; or

(c.) The correction of any error or defect in the register.

(2.) An appeal shall lie to the High Court from any order for

the rectification of any register made by a Supreme Court or a Judge under this section.

74.—(1.) The owner of any copyright or performing right under this Act or of any interest therein by licence shall not be entitled to bring any action or suit or institute any proceedings for any infringement of the copyright or performing right unless such right or interest has been registered in pursuance of this Act.

(2.) When such right or interest has been registered the owner thereof may, subject to this Act, bring actions or suits or institute proceedings for infringements of the copyright or performing right, whether those infringements happened before or after the registration.

(3.) This section shall not affect the right of the owner of the lecturing right in a lecture to bring actions or suits or institute proceedings for infringements of his lecturing right.

75.—(1.) Every person applying for the registration of the copyright in any book shall deliver to the Registrar two copies of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the book are published and bound, sewed, or stitched together, and on the best paper on which the book is printed.

(2.) Every person applying for the registration of the copyright in every work of art shall deliver to the Registrar one copy of the work of art or a photograph of it.

(3.) The Registrar shall refuse to register the copyright in any book or work of art until sub-sections (1) and (2) of this section have been complied with.

(4.) One copy of each book delivered to the Registrar in pursuance of this section shall be forwarded by him to the librarian of the Parliament, and the other copy shall be retained by the Registrar, until otherwise prescribed.

76. No person shall wilfully make any false statement or representation to deceive the Registrar or any officer in the execution of this Part of this Act, or to procure or influence the doing or omission of any thing in relation to this Part of this Act or any matter thereunder.

Penalty: Three years' imprisonment.

PART VIII.—*Miscellaneous.*

77. If the Governor-General is satisfied that the owner of the copyright in any book, or of the performing right in any dramatic work or musical work, or of the lecturing right in any lecture, has refused, after the death of the author, to republish or allow republication of the book, or the public performance of the dramatic or

musical work, or the publication as a book of the lecture, and that by reason thereof the book, dramatic work, musical work, or lecture is withheld from the public, he may grant any person applying for it a licence to republish the book, or to perform the dramatic work, or musical work, or to publish the lecture as a book, in such manner and subject to such conditions as to the Governor-General seem fit.

78. In any action or proceeding taken in any Court under this Act, the Court shall have power to award costs at its discretion.

79. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, or for the conduct of any business relating to the Copyright Office.

ACT of the Government of Barbados, for establishing Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.

[No. 42.]

— [December 10, 1904.]

WHEREAS by law, as now established, the authors of paintings, drawings, and photographs, have no copyright in this island; in such their works, and it is expedient that the law should in that respect be altered:

Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as “The Copyright (Works of Art) Act, 1904.”

2. The author of every original painting, drawing, and photograph which shall be, or shall have been, made in this island, and which shall not have been sold or disposed of before the commencement of this Act, and his assigns, shall have the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting or drawing, and the design thereof, or such photograph, and the negative thereof, by any means and of any size, for the term of the natural life of such author, and seven years after his death: Provided that when any painting or drawing, or the negative of any photograph, shall, for the first time after the passing of this Act, be sold or disposed of, or shall be made or executed for or on behalf of any other person for a good or a valuable consideration, the person so selling or disposing of, or making or executing, the same shall not retain the copyright thereof, unless it be expressly reserved to him, by agreement in writing, signed at or

before the time of such sale or disposition, by the vendee or assignee of such painting or drawing, or of such negative of a photograph, or by the person for or on whose behalf the same shall be so made or executed, but the copyright shall belong to the vendee or assignee of such painting or drawing, or of such negative of a photograph, or to the person for, or on whose behalf, the same shall have been made or executed, nor shall the vendee or assignee thereof be entitled to any such copyright, unless at or before the time of such sale or disposition an agreement in writing, signed by the person so selling or disposing of the same, or by his agent duly authorized, shall have been made to that effect.

3. Nothing herein contained shall prejudice the right of any person to copy or use any work in which there shall be no copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

4. All copyright under this Act shall be deemed personal or movable estate, and shall be assignable at law, and every assignment thereof, and every licence to use or copy by any means or process the design or work which shall be the subject of such copyright, shall be made by some note or memorandum in writing, to be signed by the proprietor of the copyright, or by his agent appointed for that purpose in writing.

5. There shall be kept at the Registrar's Office a book, entitled "The Register of Proprietors of Copyright in Paintings, Drawings, and Photographs," wherein shall be entered a memorandum of every copyright to which any person shall be entitled under this Act, and also of every subsequent assignment of any such copyright; and such memorandum shall contain a statement of the date of such agreement or assignment, and of the names of the parties thereto, and of the name and place of abode of the person in whom such copyright shall be vested by virtue thereof, and of the name and place of abode of the author of the work in which there shall be such copyright, together with a short description of the nature and subject of such work, and in addition thereto, if the person registering shall so desire, a sketch, outline, or photograph of the said work; and no proprietor of any such copyright shall be entitled to the benefit of this Act until such registration, and no action shall be sustainable, nor any penalty recoverable, in respect of anything done before registration.

6.* The Register shall at all convenient times be open to the inspection of any person, and the Registrar shall, whenever required, give a copy of any entry in such Register, certified under his hand, to any person requiring the same, on payment by such

* Additional fees were provided for by amending Act No. 21 of 1905.

person of the sum of 5s.; and such copies so certified shall be received in evidence in all Courts and in all summary proceedings in this island, and shall be *primâ facie* proof of the proprietorship or assignment of the copyright as therein expressed, but subject to be rebutted by other evidence.

7. If any person shall wilfully make, or cause to be made, any false entry in the Register, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the Register, he shall be guilty of an indictable misdemeanour, and shall be punishable according.

8. If any person shall deem himself aggrieved by any entry made under colour of this Act in the Register, it shall be lawful for such person to apply to the Court of Chancery of this island by motion for an order that such entry shall be expunged or varied. Upon any such application, the Vice-Chancellor shall make such order for expunging, varying, or confirming such entry, with or without costs, as to the Court shall seem just, and the Registrar shall, on production to him of any such order for expunging or varying any such entry, expunge or vary the same accordingly.

9. If the author of any painting, drawing, or photograph in which there shall be subsisting copyright under this Act after having sold or disposed of such copyright, or if any other person, not being the proprietor for the time being of copyright in any painting, drawing, or photograph, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, for sale, hire, exhibition, or distribution, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied for sale, hire, exhibition, or distribution, any such work, or the design thereof, or, knowing that any such repetition, copy, or other imitation has been unlawfully made, shall import into this island, or sell, publish, let to hire, exhibit or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be imported, sold, published, let to hire, distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of the said work, or of the design thereof, made without such consent as aforesaid, such person for every such offence shall forfeit to the proprietor of the copyright for the time being a sum not exceeding 10l.; and all such repetitions, copies, and imitations, made without such consent as aforesaid, and all negatives of photographs made for the purpose of obtaining such copies, shall be forfeited to the proprietor of the copyright.

10. No person shall do, or cause to be done, any or either of the following acts, that is to say:

First, no person shall fraudulently sign or otherwise affix, or fraudulently cause to be signed or otherwise affixed to, or upon, any

painting, drawing, or photograph, or the negative thereof, any name, initials, or monogram ;

Secondly, no person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, exhibition, or distribution, any painting, drawing, or photograph, or negative of a photograph, having thereon the name, initials, or monogram of a person who did not execute or make such work :

Thirdly, no person shall fraudulently utter, dispose of, or put off, or cause to be uttered or disposed of, any copy or colourable imitation of any painting, drawing, or photograph, or negative of a photograph, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken ;

Fourthly, where the author or maker of any painting, drawing, or photograph, or negative of a photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration be afterwards made therein by any other person, by addition or otherwise, no person shall be at liberty, during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish, or offer for sale, such work, or any copies of such work, so altered as aforesaid, or of any part thereof, as or for the unaltered work of such author or maker.

Every offender under this section shall, upon conviction, forfeit to the person aggrieved a sum not exceeding 10%, or not exceeding double the full price, if any, at which all such copies, engravings, imitations, or altered works shall have been sold or offered for sale ; and all such copies, engravings, imitations, or altered works shall be forfeited to the person, or the assigns, or legal representatives of the person whose name, initials, or monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid : Provided always that the penalties imposed by this section shall not be incurred unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at or within twenty years next before the time when the offence may have been committed.

11. All pecuniary penalties which shall be incurred, and all such unlawful copies, imitations, and all other effects and things as shall have been forfeited by offenders, pursuant to this Act, may be recovered by the person hereinbefore empowered to recover the same, either by proceedings in the Court of Chancery against the party offending, or by summary proceedings before the Police

Magistrate of the district in which the party offending resides or is.

12. In any proceeding in the Court of Chancery for the infringement of any such copyright as aforesaid, it shall be lawful for the said Court in which such proceeding is pending, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection, or account, and to give such direction respecting such proceeding, injunction, inspection, or account, and the proceedings therein respectively, as to the Court shall seem fit.

13. All repetitions, copies, or imitations of paintings, drawings, or photographs, wherein, or in the design whereof, there shall be subsisting copyright under this Act, and all repetitions, copies, and imitations of the design of any such painting or drawing, or of the negative of any such photograph, which shall have been made contrary to the provisions of this Act, are hereby absolutely prohibited to be imported into this island except by or with the consent of the proprietor of the copyright thereof, or his agent authorized in writing; and if the proprietor of any such copyright, or his agent, shall declare that any goods so imported are repetitions, copies, or imitations of any such painting, drawing, or photograph, or of the negative of any such photograph, and so prohibited as aforesaid, then such goods may be detained by any officer of the Customs Department.

14. If the author of any painting, drawing, or photograph, in which there shall be subsisting copyright, after having sold or otherwise disposed of such copyright, or if any other person, not being the proprietor for the time being of such copyright, shall, without the consent of such proprietor, repeat, copy, colourably imitate, or otherwise multiply, or cause or procure to be repeated, copied, colourably imitated, or otherwise multiplied, for sale, hire, exhibition, or distribution, any such work, or the design thereof, or the negative of any such photograph, or shall import, or cause to be imported, into this island, or sell, publish, let to hire, exhibit, or distribute, or offer for sale, hire, exhibition, or distribution, or cause or procure to be sold, published, let to hire, exhibited, or distributed, or offered for sale, hire, exhibition, or distribution, any repetition, copy, or imitation of such work, or the design thereof, or the negative of any such photograph, made without such consent as aforesaid, then every such proprietor, in addition to the remedies hereby given for the recovery of any such penalties, and forfeiture of any such things as aforesaid, may recover damages by and in a special action on the case, to be brought against the person so offending, in the Court of Common Pleas of this island, and may in such action recover and enforce the delivery to him of all unlawful repetitions, copies, and imitations, and negatives of photographs, or may recover

damages for the retention or conversion thereof: Provided that nothing herein contained, nor any proceeding, conviction, or judgment, for any act hereby forbidden, shall affect any remedy which any person aggrieved by such act may be entitled to either at law or in equity.

ACT of the Government of Barbados, to consolidate and amend the Acts relating to the landing of Paupers.

[No. 11.]

[April 5, 1905.]

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. This Act may be cited as “The Immigration of Paupers (Prevention) Act, 1905.”

2. The master of a ship shall, on the arrival of the ship at this Colony, and before any passenger shall have left such ship, deliver to the Harbour-master or Assistant Harbour-master a correct list of the second and third class passengers on such ship, if the ship be a steam-ship, and of all passengers on such ship, if the ship be a sailing-ship, and a separate and correct report as to each of such passengers in the Form (A) in the Schedule to this Act, with the particulars specified in such form properly and correctly filled in, signed by the passenger to whom such report refers in the presence of, and attested by the master or the purser of such ship; and every master, who violates the provisions of this section, shall be liable to a penalty not exceeding 50*l*.

3.—(1.) On the arrival of any ship at this Colony, the Harbour-master or Assistant Harbour-master shall hold an inquiry alongside or on board of such ship as to the physical, mental, and pecuniary condition of every second and third class passenger on board such ship, if the ship be a steam-ship, and of every passenger on board such ship, if the ship be a sailing-ship; and if the Harbour-master or Assistant Harbour-master is satisfied that any passenger is unable, by reason of physical or mental infirmity, to maintain himself, or is likely, if permitted to land, to become chargeable to the Colony, the Harbour-master or Assistant Harbour-master shall, by notice in writing to be served on the master of the ship, or affixed to the mast thereof, forbid the landing of such passenger: Provided, nevertheless, that the Harbour-master or Assistant Harbour-master shall not forbid the landing of a native of this Colony, unless such native has been absent therefrom continuously for the five years next preceding his arrival as aforesaid, and has been resident during that period for three consecutive years in any one Colony or country.

(2.) Pending the inquiry directed by the preceding sub-section, no second or third class passenger on board any steam-ship, nor any passenger on board any sailing-ship, shall, notwithstanding that such ship is admitted to pratique, leave such ship without the permission of the Harbour-master or Assistant Harbour-master.

(3.) The passenger named or described in the notice given under sub-section 1 of this section shall not land in any part of this Colony except some person, resident in the Colony and approved by the Harbour-master or his assistant as sufficient, shall by deed, which may be in the Form (B) in the Schedule to this Act, covenant with the Governor of this Colony and his successors in office to repay to the Governor of the Colony and his successors in office and the Local Board of Poor Law Guardians of any parish any charges which may within five years from the date of such deed be incurred in respect of such passenger forbidden to land as aforesaid.

(4.) If any passenger forbidden to land as aforesaid lands in this Colony, or if any passenger mentioned in sub-section 2 of this section leaves the ship pending the inquiry directed by sub-section 1 of this section without the permission of the Harbour-master or Assistant Harbour-master and lands in this Colony:

(a.) The ship by which such passenger arrived at this Colony shall be subject to a maritime lien in favour of His Majesty the King, his heirs and successors, for a sum of 100*l.* in respect of each passenger forbidden to land or leaving the ship pending inquiry without permission as aforesaid, and the amount so charged may be sued for and recovered in the Colonial Court of Admiralty;

(b.) The ship by which such passenger arrived at this Colony may be detained, by force if necessary, by the Harbour-master or Assistant Harbour-master, with the aid of the harbour police (who are hereby required to render assistance to the Harbour-master or Assistant Harbour-master, when called upon) until payment of the lien aforesaid, or until arrested under process of the Colonial Court of Admiralty;

(c.) The master of such ship shall be liable to a penalty not exceeding 50*l.*;

(d.) The passenger forbidden to land and leaving the ship pending inquiry without permission as aforesaid, or any person who aids or assists him in landing, shall be liable to a penalty not exceeding 50*l.*

(5.) This section shall not apply to any person who has been rescued from any ship and brought to this Colony, without having been taken to any other British possession where such person could have been landed and properly cared for and relieved.

4. A Police Magistrate may, on its being proved to his satisfaction that a passenger has landed from a ship contrary to the provisions of this Act, issue a warrant to arrest and convey back on

board such ship such passenger, or to take such passenger before a Police Magistrate to be further dealt with under the provisions of section 3 of this Act as such warrant shall require.

5. If a ship, from which a passenger shall have landed contrary to the provisions of this Act, shall leave the Colony without such passenger, and such ship shall return to this Colony within sixty days after leaving the same, such passenger shall be arrested and conveyed back on board such ship under warrant signed by a Police Magistrate, notwithstanding that such passenger has been punished under section 3 of this Act: Provided always that such passenger, if he is undergoing imprisonment in default of payment of the fine imposed under section 3 of this Act, shall be delivered by the gaoler to any constable intrusted with the execution of a warrant signed by a Police Magistrate to convey back such passenger on board such ship.

6. Any master of a ship neglecting or refusing to receive or to carry away any passenger arrested and conveyed back on board such ship under the two preceding sections shall be liable to a penalty not exceeding 50*l*.

7. Any foreign seaman or any stowaway may be discharged or allowed to land if the Consul or Consular Agent of the country to which such seaman or stowaway belongs, or the agent of the ship in which he is brought to this Colony, shall give to the Harbour-master or his assistant a written undertaking to maintain such foreign seaman or stowaway until he can be reshipped or sent away from the Colony.

8.—(1.) If any foreign seaman is discharged and lands, or any stowaway lands, without the written undertaking required by section 7 being given, he shall be liable to a penalty not exceeding 20*l*., and the master of the ship shall be liable to a penalty not exceeding 20*l*.

(2.) Such seaman or stowaway may be arrested and dealt with in the manner in which a passenger, who has landed contrary to the provisions of this Act, may be arrested and dealt with under sections 4 and 5 of this Act.

9. The master of any ship may, on the desertion of any seaman or the landing of any stowaway or pauper passenger from his ship, apply to the Police Magistrate, who shall grant such application, for a warrant to arrest and convey back on board ship such seaman or stowaway or pauper passenger, and on so doing the master shall be held harmless of all pains and penalties at law for so doing.

10. If any passenger, foreign seaman, or stowaway land in this Colony from any ship contrary to the provisions of this Act, and such passenger, foreign seaman, or stowaway is, on the complaint of the master of such ship, arrested and conveyed on board such ship

under the provisions of sections 4 and 8 of this Act, the maritime lien arising under section 3 of this Act shall cease to exist, and the penalty to which the master is liable under sections 3 and 8 shall not be enforceable; but such maritime lien shall revive, and such penalty shall be enforceable, if such passenger, foreign seaman, or stowaway again lands in this Colony before the departure of such ship.

11. Any expense incurred in such apprehension shall be paid by the master of the ship, and until such is paid the Harbour-master is hereby authorized to refuse to issue the certificate to enable him to clear.

12. The master of any ship arriving at this Colony shall answer all questions which the Harbour-master or Assistant Harbour-master shall put to him; and any master who shall either refuse to answer any such question, or who shall give an untrue answer thereto, shall be liable to a penalty not exceeding 50%.

13. If the Harbour-master or Assistant Harbour-master shall have reason to believe that any person brought to this Colony in any steam-ship as a first-class passenger has been brought to this Colony under that designation for the purpose of evading the provisions of this Act, the Harbour-master or Assistant Harbour-master shall prohibit such person from landing in this Colony, and shall notify the master of such ship of such prohibition; and if any such passenger shall, without the permission of the Harbour-master or Assistant Harbour-master, land in this Colony after being prohibited as aforesaid, such passenger and the master of such ship shall be liable to the same penalties as are imposed by this Act when a passenger lands in this Colony contrary to the provisions of this Act, and the ship shall be subject to the maritime lien imposed by section 3 of this Act, and all the provisions of this Act as to any maritime lien shall apply to any maritime lien incurred under this present section.

14. The Governor in Executive Committee may make regulations for more effectually carrying out the provisions of this Act.

15. All regulations made by the Governor in Executive Committee under the provisions of the last preceding section shall, when they shall have received the sanction of both Houses of the Legislature and the assent of the Governor have the force and effect of law.

16. Any person infringing the provisions of any regulation made under the provisions of this Act shall be liable to a penalty not exceeding 10%.

17. All penalties under this Act may be recovered in a summary manner before a Police Magistrate on the complaint of any person.

18. "The Immigration of Paupers (Prevention) Act, 1892," and

"The Immigration of Paupers (Amendment) Act, 1896," are hereby repealed.

SCHEDULE.

[Forms (A) and (B).]

ACT of the Government of Bermuda, entitled "The Extradition Expenses Act, 1905."

[No. 15.]

[July 15, 1905.]

WHEREAS it is expedient to make provision for defraying the expenses of and incidental to the extradition and return to Bermuda of persons charged with offences committed in these islands and intended to be brought here for trial :

Be it therefore enacted by the Governor, Legislative Council, and Assembly of the Bermudas or Somers Islands, as follows :—

1. Whenever any person who shall be charged with having committed any felony or misdemeanour in these islands shall be out of these islands, and it shall be deemed expedient that steps should be taken to obtain the return of such person to these islands to be tried for such felony or misdemeanour, the costs and expenses of and incidental to the extradition of such person from any foreign country, or of or incidental to the apprehension of such person in any British possession, and in either case of or incidental to the return of such person to these islands to be tried as aforesaid, and also the expenses of and incidental to the bringing to these islands of any necessary witness from abroad for the purpose of the trial of such person shall be defrayed out of the public treasury.

2. The provisions of this Act shall apply to the case of James Lambert, *alias* Walter Lambert, and James Watkins, *alias* Austin Watkins, who were recently extradited from the United States of America and brought to these islands and tried in the Court of General Assize for a felony committed in these islands to the same extent as if this Act had been in operation at the time of the extradition and trial of the persons mentioned in this section.

3. This Act shall continue in force until and throughout the last day of December 1908.

*ORDINANCE enacted by the Acting Commissioner for the British Central Africa Protectorate, respecting Immigration.**

[No. 6.]

[August 31, 1905.]

Immigration Restriction Ordinance.

It is hereby enacted as follows :—

1. This Ordinance may be cited as “The British Central Africa Immigration Restriction Ordinance, 1905.”

2. Subject to the provisions of this Ordinance it shall be unlawful for any of the following persons to immigrate into the Protectorate :—

(1.) Any person who is not in possession of visible means of support, or is likely to become a public charge ;

(2.) Any person who has been convicted of any of the following offences, that is to say : murder, rape, theft, fraud, perjury, or forgery, and who, by the circumstances connected with such offence is deemed by the Commissioner to be an undesirable ;

(3.) Any person who is a lunatic, including an idiot or person of unsound mind incapable of managing himself or his affairs ;

(4.) Any person who is certified by the medical authorities of the Protectorate to be suffering from a dangerous, contagious, or infectious disease ;

(5.) Any person who, from information officially received by the Commissioner from a Secretary of State, or from a Governor, or Commissioner, or Minister, or other Officer administering the Government of any Colony or Possession of His Majesty, or of any British Protectorate, or through diplomatic channels from any Minister of any foreign country, is deemed by the Commissioner to be an undesirable ;

(6.) Any person who is shown, by evidence which the Commissioner shall deem sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in the Protectorate, or to excite enmity between the people of the Protectorate and His Majesty, or to intrigue against His Majesty's power and authority in the Protectorate.

3. The Commissioner may permit any of the persons so prohibited from immigrating into the Protectorate to immigrate into the Protectorate, upon bonds for good behaviour, with or without sureties, being entered into by or on behalf of such persons, upon such conditions and to such amount as the Commissioner may determine.

* Published in the “British Central Africa Gazette” of August 31, 1905.

4. It shall be unlawful to aid or assist any person to immigrate into the Protectorate in contravention of the provisions of this Ordinance.

5. It shall be unlawful for the master or owner of any ship knowingly to permit to land, or be landed directly or indirectly from his ship, any person immigrating into the Protectorate in contravention of the provisions of this Ordinance.

6. The Commissioner shall have power to make rules:—

(1.) To prevent any immigration into the Protectorate contrary to, and in violation of, the provisions of this Ordinance;

(2.) To provide for the removal, from within the limits of the Protectorate, of any persons who are, under and by virtue of the provisions of this Ordinance, prohibited from immigrating thereto and settling therein;

(3.) To provide for the custody, control, and accommodation of any such persons as aforesaid pending their removal;

(4.) Generally in furtherance of the objects, intents, and purposes of this Ordinance, and for its effectual administration.

7.—(1.) Any person immigrating into the Protectorate in contravention of the provisions of this Ordinance, and any person aiding or assisting any person in the contravention of any of the provisions of this Ordinance, shall be deemed guilty of an offence, and shall be liable, on conviction, to imprisonment not exceeding six months or to a fine not exceeding 100*l.*, or to both fine and imprisonment.

(2.) Any person committing a breach of any rule made under this Ordinance shall be liable, on conviction, to imprisonment not exceeding three months, or to a fine not exceeding 50*l.*, or to both fine and imprisonment.

8. Any person immigrating into the Protectorate in contravention of the provisions of this Ordinance shall, in addition to the penalties provided by section 7, be liable to be removed from within the limits of the Protectorate, and to be kept, pending such removal, in such custody as may be prescribed by rules.

9. The Commissioner shall report to the Secretary of State from time to time all proceedings taken by him under this Ordinance, and the grounds thereof, and the Secretary of State may rescind such proceedings, or may give such other instructions as he shall see fit.

H. R. WALLIS, *Acting Commissioner*.

*ORDINANCE of the Government of British Guiana, to amend
“The Immigration Ordinance, 1891.”**

[No. 24.]

[October 21, 1905.]

I assent.

(L.S.) F. M. HODGSON, *Governor*.

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as “The Immigration Ordinance, 1891, Amendment Ordinance, 1905,” and this Ordinance and “The Immigration Ordinance, 1891,” hereinafter called the principal Ordinance, shall be read and construed together as one Ordinance.

2. In this Ordinance “The Official Receiver” means the Official Receiver appointed under “The Official Receiver’s Ordinance, 1905.”

3. Section 180 of the principal Ordinance is hereby repealed, and the following shall be deemed to be inserted in the said Ordinance in lieu thereof:—

“180. If at any time it appears to the Governor-in-Council, on sufficient ground shown to his satisfaction that all or any of the immigrants indentured on any estate should be removed therefrom, he may, at his discretion, cancel their indentures and grant them certificates of exemption from labour, or cancel their indentures and reindenture them, with or without the payment of commutation money, to some other employer, for the remainder of their respective terms of service, such other employer, if required, paying therefor in cash or by promissory notes as the Governor-in-Council may direct.

Such transfer shall not cancel the obligation of the original employer to pay the promissory notes given in respect of such immigrants, but he shall be entitled to the commutation money if paid as provided in section 176 of the principal Ordinance, and in section 3 of “The Immigration Ordinance, 1891, Amendment Ordinance, 1895.”

4.—(1.) The following words in section 86 of the principal Ordinance are hereby repealed:—

“Provided, also, that no employer shall be liable to the Receiver-General in respect of any immigrant admitted into a Public Hospital who has deserted from his plantation, and for whose apprehension he has taken out a warrant as hereinafter provided.”

(2.) Section 175 of the principal Ordinance is hereby repealed.

Administration of Immigrants' Small Estates.

5. The Official Receiver shall, in the manner hereinafter provided, administer the estate of every immigrant who—

(a.) Dies intestate, or

(b.) Dies testate, but without appointing an executor, or whose executor, if appointed, refuses, neglects, or is unable to act, where, in his opinion such estate does not exceed in value 240 dollars.

6. The Official Receiver, without any previous legal formality, shall enter into and take possession of such immigrants' estate and realize the same.

7. The employer on whose plantation or premises or in whose service any immigrant labourer not under indenture dies shall, without delay, notify in writing the decease of such immigrant labourer to the Official Receiver, and, in default of so doing, shall, on being convicted thereof, be liable to a penalty of 24 dollars.

8. The employer on whose plantation or premises or in whose service any immigrant labourer not under indenture dies shall, with the notification of his decease, and under the like penalty in case of default, transmit to the Official Receiver, a short inventory in writing duly signed by such employer, of all the goods, chattels, personal effects, wages, and other assets which, to the knowledge of the employer, belonged or were due to such deceased immigrant.

9. The Official Receiver shall make inquiry whether the deceased immigrant possessed other effects or property of any kind, and in case of any such being discovered by him, he shall prepare a short inventory thereof.

10. The Official Receiver shall cause the goods, chattels, and effects belonging to an immigrant's estate to be sold in a summary way, and all such sales may be made at any place which may be deemed suitable and convenient, and either with or without previous advertisement, except in the case of articles of jewellery or of gold or silver apparently exceeding in value 50 dollars, which shall be sold after previous advertisement.

11. Immovable property belonging to such estate shall be sold in the manner prescribed in section 10.

12. All balances belonging to the estates of immigrants shall be paid over forthwith by the Official Receiver to the Receiver-General, and the Receiver-General shall give notice thereof to the Immigration Agent-General, in order that the heirs of such immigrants may, if possible, be ascertained without delay.

13. Where an immigrant under indenture dies, the provisions in that behalf of the principal Ordinance or of any other Ordinances

for the time being in force relating to Asiatic immigrants shall apply.

14.—(1.) From and out of all moneys realized by the Official Receiver for or on account of any estate administered by him under this Ordinance, he shall deduct a commission at the rate of 8 dollars on every 100 dollars received or realized, and no commission shall be payable on any sums disbursed or paid out.

(2.) The amount of all commissions received by the Official Receiver under this section shall be paid to the Receiver-General for the use of the Colony.

15.—(1.) The provisions of the last ten preceding sections (sections 5 to 14 inclusive) shall apply only to the estates of immigrants who die before they have become entitled to a return passage to India or before they have surrendered their right to such return passage, under any Ordinance for the time being in force relating to the return passages of immigrants to India and the surrender to the right of such passages.

(2.) A certificate purporting to be signed by the Immigration Agent-General that any immigrant is entitled to a return passage as aforesaid, or has surrendered his right to such return passage, shall be *prima facie* evidence of such facts, and shall be received in evidence as such in all Courts without proof of the signature of the Immigration Agent-General.

*ACT of the Government of Canada to amend the Acts respecting
Naturalization and Aliens.**

[4 & 5 Edw. VII, c. 25.]

— [Assented to July 20, 1905.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Sub-section (5) of section 11 A of "The Naturalization Act," as the said section is enacted by section 2 of chapter 38 of the Statutes of 1903, is hereby repealed, and the following substituted therefor :

"(5.) In the North-West Territories the foregoing provisions of this section shall not apply, but the procedure shall be as follows :

"(a.) Before its presentation to the Judge the certificate shall be filed in the office of the Clerk of the Supreme Court for the judicial district within which the alien resides, unless he resides within a portion of such district assigned to a Deputy Clerk, in which case it shall be filed in the office of such Deputy Clerk.

* See Vol. XCVII, page 609.

“(b.) A copy of the certificate shall thereupon be posted up in a conspicuous place in the office of the Clerk of the Court, or of the Deputy Clerk, as the case may be, and shall remain so posted up for a period of not less than two weeks.

“(c.) At any time after such copy is first so posted up any one may file with the Clerk of the Court, or with the Deputy Clerk, as the case may be, a written notice of objection to the certificate of naturalization being granted, stating the grounds of such objection.

“(d.) Not later than three weeks after the certificate is so filed the Clerk of the Court, or the Deputy Clerk, as the case may be, shall present to the Judge, or transmit to him by registered letter, the certificate and all notices of objection filed with him, if any, with a certificate, under his hand and the Seal of the Court, that a copy of the certificate has been duly posted up in his office as above required, and, if no notice of objection has been filed with him, that such is the case.

“(e.) Within one week following the receipt by the Judge of the certificate and such other material he shall hold a sitting in chambers, at which, if no notice of objection has been filed, and if the certificate appears to be regular and sufficient, he shall direct the issue to the alien of a certificate of naturalization; and if any notice of objection has been received, or if the certificate is defective or otherwise open to objection, he shall decide such objection in a summary way, and shall make such direction or order in the premises as the justice of the case requires.

“(f.) The Judge shall have power to adjourn the hearing of any such case from time to time.”

2. Form (A) in the Schedule to chapter 113 of the Revised Statutes of Canada is hereby amended by repealing the Form of Oath of Allegiance as therein set forth, and substituting the following therefor:—

“THE NATURALIZATION ACT.

“Oath of Allegiance.

“I, *A. B.*, formerly of [*former place of residence to be stated here*], in [*country of origin to be stated here*], and known there by the name of [*name and surname of alien in his country of origin to be stated here*], and now residing at [*place of residence in Canada and occupation to be stated here*], do sincerely promise and swear (or, being a person allowed by law to affirm in judicial cases, do affirm) that I will be faithful and bear true allegiance to His Majesty King Edward VII. [*or reigning Sovereign for the time being*] as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada, dependent on and belonging to the

said kingdom, and that I will defend him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which shall be made against his person, Crown, and dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, his heirs or successors, all treasons or traitorous conspiracies and attempts which I shall know to be against him or any of them; and all this I do swear (*or affirm*) without any equivocation, mental evasion, or secret reservation. So help me God.

"Sworn before me at _____, this _____ day of _____.
"A. B."

*ACT of the Government of the Cape of Good Hope to provide
for Copyright in certain Works of Art.*

[No. 46.]

— [Assented to June 6, 1905.]

BE it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. In this Act, unless the context shall otherwise indicate or require, the following terms shall have the meanings hereby attached to them:

"Work of art" and "work" shall mean a painting or drawing and the design thereof, a photograph and the negative thereof, and any positives or copies made therefrom, an engraving, or a piece of sculpture.

"Copyright" shall mean the sole and exclusive right of copying, reproducing, repeating, or otherwise multiplying copies of any work of art and of the design thereof, of any size, in the same or any other material, or by the same or any other kind of art.

"Author" shall mean the inventor, designer, engraver, sculptor, or maker of any work of art: Provided that the author of a work of art made by the employé of any person or firm in virtue of his employment shall mean the person or firm under whose orders, or in the course of whose business, the work of art was made by such employé.

"Assigns" shall include every person in whom the interest of an author is vested, whether derived from such author before or after publication or registration, and whether acquired by sale, donation, legacy, or by operation of law, or otherwise.

"Court" shall mean the Supreme Court, the Eastern Districts Court, the High Court of Griqualand West, and any Circuit Court.

"Registrar" shall mean such official, in the Civil Service, as the

Governor may appoint to discharge the duties of Registrar under this Act.

2. The author of every original work of art produced in the Colony shall have the copyright therein, provided that when any work of art shall, for the first time after the passing of this Act, be sold or disposed of, or shall be made or executed for or on behalf of any other person, for a good or valuable consideration, the person so selling or disposing of or making or executing the same shall not retain the copyright thereof, unless it be expressly reserved to him by an agreement in writing, signed, at or before the time of such sale or disposition, by the purchaser or assignee, or by the person for, or on whose behalf, the same shall have been so made or executed; but the copyright shall belong to the vendee or assignee, or to the person for or on whose behalf the work of art shall have been made or executed.

(1.) The copyright hereinbefore given shall, in the case of paintings and sculpture, endure for the life of the person to whom the same is given, and thirty years next after his death; and in the case of engravings not published in or forming part of a book, and photographs, for the term of thirty years next after the end of the year in which they or any copies may have been first offered for sale, delivered to a purchaser, or advertised or exposed as ready for sale to the public or for delivery to a purchaser, or delivered for registration.

3. Nothing in this Act contained shall prejudice the right of any person to copy or represent any work in which there shall be no copyright, or to represent any scene or object, notwithstanding that there may be copyright in some representation of such scene or object.

4. A Registry Book, entitled "The Register of Proprietors of Copyright in Works of Art," shall be kept at the office of the Registrar, wherein shall be registered the proprietorship of every copyright in works of art and assignments thereof; and there shall be entered in such Register the following particulars in reference to every copyright entered therein: the name and abode of the proprietor of the copyright, the title (if any) of the work, a short description of the nature and subject thereof, and, if the person registering so desire, a sketch or outline or photograph of such work, and all such further particulars as may be prescribed by the Registrar in that behalf; and for every entry of proprietorship or assignment of copyright in the Register there shall be paid to the Registrar such sum as the Governor may prescribe: Provided that in the case of a photograph the fee shall not exceed 1s., and in the case of a series of photographs commonly known as living pictures, cinematographs, or bioscopes, the said fee shall only be payable on

the first and every succeeding hundredth negative or photograph constituting any one continuous film or series of photographs.

(1.) The Register shall at all convenient times be open to the inspection of any person on payment of 1s. for every entry which shall be searched for or inspected in the said Register; and the Registrar shall, whenever thereunto reasonably required, give a copy of any entry in such Register, certified under his hand, to any person requiring the same, upon payment to him of the sum of 5s.; and such copy so certified shall be received in evidence in all Courts, and shall be *primâ facie* proof of the proprietorship or assignment of the copyright as therein stated, but subject to be rebutted by other evidence.

(2.) If any person shall deem himself aggrieved by any entry made in the Register under cover of this Act, it shall be lawful for such person to apply by motion to the Court, or in vacation to a Judge thereof in chambers, for an order that such entry may be expunged or varied; and thereupon such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just; and the Registrar shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same accordingly.

5. It shall be lawful for the registered proprietor of copyright to assign his interest or any part thereof in writing, under his hand, duly witnessed by two witnesses; and on production of such assignment by or on behalf of the assignee, the Registrar shall make an entry in the Register of such assignment, and of the name and place of abode of the assignee thereof; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty.

6. If any person, not being the proprietor for the time being of the copyright in any work of art, shall without the consent of such proprietor make or cause to be made any copy, reproduction, repetition, or colourable imitation of the work in which such copyright exists, for sale, hire, exhibition, or distribution, or shall knowingly sell, let to hire, exhibit, or distribute, or cause to be sold, let to hire, exhibited, or distributed any copy, reproduction, repetition, or colourable imitation made without such consent, or, if made abroad, imported without such consent, or shall import, or cause to be imported, any copy, reproduction, repetition, or colourable imitation, such person shall be liable to an action for damages for infringement of the copyright, and all such copies shall be forfeited to such proprietor.

7. No person shall do or cause to be done any of the following acts, that is to say:—

(1.) No person shall fraudulently sign or affix, or fraudulently

cause to be signed or affixed, to or upon any work of art any name, initial, or monogram.

(2.) No person shall fraudulently sell, publish, exhibit, or dispose of, or offer for sale, exhibition, or distribution, any work of art having thereon the name, initials, or monogram of a person who did not execute or make such work.

(3.) No person shall fraudulently utter, dispose, or put off, or cause to be uttered or disposed of, any copy, colourable imitation, engraving, or print of any work of art, whether there shall be subsisting copyright therein or not, as having been made or executed by the author or maker of the original work from which such copy or imitation shall have been taken.

(4.) Where the author or maker of any work of art, whether made before or after the passing of this Act, shall have sold or otherwise parted with the possession of such work, if any alteration be afterwards made therein by any other person, by addition or otherwise, no person shall be at liberty during the life of the author or maker of such work, without his consent, to make or knowingly to sell or publish or offer for sale such work or any copies of such work so altered as aforesaid as or for the unaltered work of such author or maker.

Every offender under this section shall on conviction be liable to a fine not exceeding 10*l.*, or, in default of payment, to imprisonment for a period not exceeding one month; and all such copies, engravings, imitations, or altered works shall be forfeited to the person aggrieved or his assigns: Provided always that the provision of this section shall not apply unless the person whose name, initials, or monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered work shall be so fraudulently or falsely ascribed as aforesaid, shall have been living at, or within seven years next before, the time when the act complained of may have been committed.

8. Whenever, after the commencement of this Act, any portrait or photographic likeness of any person is painted or taken on commission, neither the photographer nor any other person, whether he owns the copyright therein or not, shall sell, or give, or exhibit in public, in any shop-window or otherwise, any copy of such likeness, if the person whose portrait or likeness was painted or taken, or for whom such was painted or taken, shall object to such sale, gift, or exhibition; and any photographer or other person selling, giving, or exhibiting any likeness or portrait after being called upon to desist from so doing shall be liable to a penalty not exceeding 10*l.*, and every copy of such portrait or likeness in his possession shall be forfeited and delivered up to the person for whom the work was executed.

9. All penalties and forfeitures under this Act may be summarily imposed and awarded by the Resident Magistrate: Provided that any person summarily proceeded against shall be entitled, on lodging security to the satisfaction of the Magistrate, to stay of execution pending appeal to the Court, and all the provisions of "The Resident Magistrates Court Act (No. 20) of 1856" in regard to appeals in criminal cases shall apply.

10. In any action for the infringement of any copyright vested under this Act it shall be lawful for the Court in which such action is pending, or if the Court be not sitting, then for a Judge, on the application of the plaintiff or defendant respectively, to make such order for an interdict, inspection, or account, and to give such directions respecting such interdict, inspection, or account and the proceedings therein respectively, as to such Court or Judge may seem fit: Provided that the work of art or work shall bear on it a mark or notification showing that it has been copyrighted.

11. No proprietor of copyright in a work of art, first produced in the Colony, shall be entitled to the benefit of this Act until he shall have registered his copyright, nor shall any prosecution or action be competent for anything done before registration.

12. The Governor may make such rules and regulations as may be necessary or expedient in order to detect and prevent infringements of proprietors' rights under this Act, and impose reasonable penalties for the breach thereof.

13. This Act may be cited for all purposes as "The Copyright in Works of Art Act, 1905."

*ORDINANCE of the Government of Fiji, to amend "The Indian Immigration Ordinance, 1891."**

[No. 20.]

[October 12, 1905.]

I assent.

(L.S.) EVERARD IM THURN.

October 19, 1905.

BE it enacted by the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as "The Indian Immigration Amendment Ordinance, 1905."

2. The provisions contained in sections 11 and 21 of "The Indian Immigration Ordinance, 1891" (hereinafter called the principal

* See Vol. LXXXV, pages 259 and 267.

Ordinance), as to the time of payment of the application and allotment fees shall not, unless the Governor otherwise directs, apply in cases where application is made for thirty or a less number of immigrants unless the applicant desires to pay as provided in such sections.

3. In cases where application is made pursuant to the principal Ordinance for thirty or a less number of immigrants, unless the Governor or the applicant specially requires the application and allotment fees to be paid in cash, payment thereof shall be as follows: One-fifth shall be paid in cash within forty-eight hours after the publication of the notice of allotment, and for the balance four promissory notes shall be given bearing date the day of the arrival of the ship in which the immigrants were introduced, the first for one-fifth of such fees, payable with interest at 5 per cent. per annum, at the end of one year from the date thereof, and the remaining notes each for one-fifth thereof, payable respectively with interest at the same rate at the end of each of the three years then next following: Provided that if the employer makes default in paying the amount of any of the said promissory notes when due, the whole of the balance payable in respect of the said fees shall become payable forthwith; and provided further, that if an employer fails to pay one-fifth of the said fees within the forty-eight hours hereinbefore mentioned, he shall pay to the Receiver-General the sum of 1*l.* for each adult immigrant, allotted by way of fine, and the immigrants may be indentured to another plantation.

4. The provisions of Part XXII of the principal Ordinance shall apply to all moneys due or which may become due under the preceding section.

5.—(1.) From and after the passing of this Ordinance the "Return-Passages Fund," provided for in "The Indian Immigration Ordinance, 1891-5," shall cease, and the Receiver-General shall pay into general revenue the balance standing to the credit of the said fund.

(2.) Charges heretofore borne by the "Return-Passages Fund" shall be borne by the general revenue of the Colony.

6. Section 46 of the principal Ordinance is hereby amended and shall be read as if the words "born in the Colony of any immigrant nor any child" were deleted therefrom and as if the words "or guardian" were added after the word "parent."

7. Section 188 of the principal Ordinance is hereby amended and shall be read as if the following proviso were added thereto: "Provided that when a summons or other process issued has to be served at a distance of more than 8 miles from the Court whence it issues, a fee of 1*s.* shall be payable for every day or part of a day during which the constable or other officer engaged in effecting the

service must be absent from his station. Such fee shall not be recoverable as costs unless the Magistrate makes a special order to that effect."

8. This Ordinance shall be construed and read as if incorporated in the principal Ordinance.

Passed in Council this 12th day of October in the year of Our Lord 1905.

ORDINANCE of the Government of the Gambia, to provide for the Surrender of Fugitive Criminals.

[No. 6.]

[June 28, 1905.]

WHEREAS the Acts of the Imperial Parliament, shortly entitled the Extradition Act of 1870,* and Acts amending the same are not in force in the Gambia Protectorate; and whereas it is desirable to make provision for the surrender to foreign States and their Protectorates of persons accused or convicted of the commission of certain crimes within the jurisdiction of such States and their Protectorates who have come into the Gambia Protectorate, and for the trial of persons accused of the commission of crimes in the Gambia Protectorate who have been surrendered by foreign States or their Protectorates:

Be it therefore enacted by the Governor of the Colony of the Gambia, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Fugitive Criminals Surrender Protectorate Ordinance, 1905."

2. Where an arrangement has been made between His Majesty the King and the Ruler of a foreign State, under which the Protectorate is to surrender to that State or to its Protectorates any fugitive criminals, the Governor may, by notice in the "Gazette," direct that this Ordinance shall apply in the case of that State during the continuance of the arrangement, and after such notice has been published in the "Gazette" this Ordinance shall, subject to the terms of the arrangement, apply accordingly. No such notice shall remain in force for any longer period than the arrangement, and the Governor may, by the same or any subsequent notice, limit the application of this Ordinance or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

* Vol. LX, page 145; Vol. LXIII, page 391: and Vol. LXXXVII, page 957.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:—

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he proves to the satisfaction of the Magistrate or the Court before whom he is brought on *habeas corpus*, or to the Governor, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Protectorate, be detained or tried in that foreign State for any offence committed prior to his surrender other than the crime proved by the facts on which the surrender is grounded.

(3.) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the Protectorate, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

4. Where this Ordinance applies in the case of any foreign State, every fugitive criminal of that State who is in or suspected of being in any part of the Protectorate shall be liable to be apprehended and surrendered in manner provided by this Ordinance, whether the crime in respect of which the surrender is sought is committed before or after the coming into operation of this Ordinance, and whether there is or is not any concurrent jurisdiction in any Court of His Majesty's dominions or of the Protectorate over that crime.

5. A requisition for the surrender of a fugitive criminal of any foreign State, who is in or suspected of being in the Protectorate, shall be made to the Governor by some person recognized by the Governor as a diplomatic Representative of that foreign State. The Governor may, by order under his hand and seal, signify to the Chief Magistrate or a Travelling Commissioner that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Governor is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

6. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in or on the way to the Protectorate, may be issued—

(1.) By the Chief Magistrate or a Travelling Commissioner on the receipt of the said order of the Governor and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in the Protectorate; and

(2.) By the Chief Magistrate or a Travelling Commissioner on such information or complaint and such evidence or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the Protectorate in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from the Governor shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the Governor, who may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal when apprehended on a warrant issued by a Travelling Commissioner shall be brought before such or some other Travelling Commissioner who shall by warrant order him to be brought, and the prisoner shall accordingly be brought before the Chief Magistrate; provided that it shall be lawful for the person apprehending a fugitive criminal on a warrant issued by a Travelling Commissioner to bring the prisoner at once before the Chief Magistrate, in case such course shall be more convenient.

A fugitive criminal apprehended on a warrant issued without the order of the Governor shall be discharged by the Chief Magistrate, unless the Chief Magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from the Governor an order signifying that a requisition has been made for the surrender of such criminal.

7. When a fugitive criminal is brought before the Chief Magistrate, the Chief Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in the Protectorate.

The Chief Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not a crime in respect of which his surrender may be granted.

8. In the case of a fugitive criminal accused of a crime in

respect of which his surrender may be granted, if the foreign warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Protectorate, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the Protectorate, the Chief Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of a crime in respect of which his surrender may be granted if such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Protectorate, prove that the prisoner was convicted of such crime, the Chief Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the common gaol at Bathurst or the gaol at McCarthy's Island, there to await the warrant of the Governor for his surrender, and shall forthwith send to the Governor a certificate of the committal and such report upon the case as he may think fit.

9. If the Chief Magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*.

Upon the expiration of the said fifteen days, or, if a writ of *habeas corpus* is issued, after the decision of the Court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by the Governor, it shall be lawful for the Governor, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the Court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person, to whom such warrant is directed and for the person so authorized as aforesaid, to receive, hold in custody, and convey within the jurisdiction of such foreign State the criminal mentioned in the warrant; and, if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Gambia Protectorate may be retaken upon an escape.

10. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Colony and Protectorate within two months after such committal, or, if a writ of *habeas corpus*

is issued, after the decision of the Court upon the return to the writ, it shall be lawful for the Chief Magistrate, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Governor, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

11. The warrant of the Chief Magistrate, issued in pursuance of this Ordinance, may be executed in any part of the Protectorate.

12. Depositions or statements on oath taken in a foreign State, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Ordinance.

13. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Ordinance, if authenticated in manner provided for the time being by law, or authenticated as follows :—

(1.) If the warrant purports to be signed by a Judge, Magistrate, or officer of the foreign State where the same was issued;

(2.) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or officer of the foreign State where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Magistrate, or officer of the foreign State where the conviction took place; and if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State; and all Courts of Justice and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Crimes committed at Sea.

14. Where the crime, in respect of which the surrender of a fugitive criminal is sought, was committed on board any vessel on the high seas which comes into any port of the Protectorate, the criminal may be arrested on a warrant issued by the Chief Magistrate or a Travelling Commissioner, and shall thereafter be brought before the Chief Magistrate (by or without the order of the

Travelling Commissioner) in the manner provided in section 6 of this Ordinance.

General Provisions.

15. Where, in pursuance of any arrangement with a foreign State, any person accused or convicted of any crime which, if committed in the Protectorate, would be (by whatever name designated by the law of the Protectorate) one of the crimes described in the First Schedule to this Ordinance, is surrendered by that foreign State, such person shall not, until he has been restored or had an opportunity of returning to such foreign State, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's dominions or Protectorates other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

16. The forms set forth in the Second Schedule to this Ordinance, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

17. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or Tribunal in a foreign State in like manner as it may be obtained in relation to any civil matter under the Act of the Session of the 19th and 20th years of the reign of Her late Majesty, Chapter 113, intituled "An Act to provide for taking evidence in Her Majesty's dominions in relation to civil and commercial matters pending before foreign Tribunals,"* which Act shall for this purpose apply to and be in force within the Protectorate, and all the provisions of that Act shall be construed as if the term "Colony or Possession" included a Protectorate, and as if the term "civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

18. The Governor may, by order under his hand and seal, require the Chief Magistrate or a Justice of the Peace to take evidence for the purpose of any criminal matter pending in any Court or Tribunal in any foreign State; and the Chief Magistrate or Justice of the Peace, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Governor; such evidence may be taken in the

presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence.

Every person who wilfully gives false evidence before the Chief Magistrate or Justice of the Peace under this section, shall be guilty of perjury :

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

19. For the purposes of this Ordinance every constituent part of a foreign State, and every Colony, Dependency, or Protectorate of and every vessel of that State, shall be deemed to be within the jurisdiction of and to be part of such foreign State.

20. In this Ordinance, unless the context otherwise requires—

The term “Governor” means the officer for the time administering the Government of the Protectorate.

The term “Protectorate” means the Protectorate as defined in “The Protectorate Ordinance, 1902.”

The term “crime in respect of which surrender may be granted” means a crime which would be punishable by the law of the Protectorate, if committed in the Protectorate, and which would (by whatever name designated by the law of the Protectorate) be one of the crimes described in the First Schedule to this Ordinance :

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any crime or of being accessory before or after the fact of any such crime, shall be deemed, for the purpose of this Ordinance, to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

The terms “conviction” and “convicted” do not include or refer to a conviction which, under foreign law, is a conviction for contumacy, but the term “accused person” includes a person so convicted for contumacy.

The term “fugitive criminal” means any person accused or convicted of a crime, in respect of which surrender may be granted, committed within the jurisdiction of any foreign State, who is in or is suspected of being in or on the way to some part of the Protectorate ; and the term “fugitive criminal of a foreign State” means a fugitive criminal accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of that State.

The term "Diplomatic Representative of a foreign State" includes any person recognized by the Governor as a Consul-General, Consul, or Vice-Consul, or as the officer administering the government of any possession, dependency, or protectorate of that State.

The term "oath" includes affirmation.

The term "warrant," in the case of any foreign State, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

THE FIRST SCHEDULE.

List of Crimes.

MURDER, and attempt and conspiracy to murder; manslaughter.

Counterfeiting and altering money, and uttering counterfeit or altered money.

Forgery, counterfeiting and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Offences by bankrupts against bankruptcy law, or any indictable offence under the laws relating to bankruptcy.

Fraudulent misappropriations and fraud by a bailee, made criminal by any Act of Parliament or Ordinance for the time being in force.

Rape.

Abduction.

Child-stealing.

Burglary and house-breaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Offences against "The Slave Trade Act, 1873," or otherwise in connection with the Slave Trade, committed on the high seas or on land, or partly on the high seas and partly on land.

Kidnapping and false imprisonment.

Perjury and subornation of perjury.

Any offence not before mentioned, being an indictable offence under the following Acts of Parliament of 1861, or any of them, or under any Act amending or substituted for the same:—

24 & 25 Vict., c. 96: Larceny.

24 & 25 Vict., c. 97: Malicious injuries to property.

24 & 25 Vict., c. 98: Forgery.

24 & 25 Vict., c. 99: False coining.

24 & 25 Vict., c. 100: Murder and other offences against the person.

Any other crime which is punishable in the Protectorate by a term of twelve months' imprisonment with hard labour.

SECOND SCHEDULE.

[Forms. Not printed.]

Passed in the Legislative Council, this 28th day of June in the year of Our Lord 1905.

Assented to in His Majesty's name, this 8th day of July, 1905.

GEORGE C. DENTON, *Governor*.

LAW of the Government of Jamaica, entitled "The Immigration of Paupers (Prevention) Law, 1905."

[No. 25.]

[May 27, 1905.]

BE it enacted by the Governor and Legislative Council of Jamaica, as follows:—

1.—(1.) If on the arrival of any ship at this Colony there is on board any person, not a native of or domiciled in this Colony, who in the opinion of the Harbour-master, or of the Health Officer, or of the Senior Officer of Customs in the port is unable by reason of physical or mental infirmity to maintain himself, or who is likely, if permitted to land, to become chargeable to the funds provided for the relief of the poor, the Harbour-master or other officer as aforesaid, shall by notice in writing to be served on the master of the ship, or affixed to the mast thereof, forbid the landing of such person: Provided, that it shall be lawful for the Governor in Privy Council to make rules for the guidance of the Harbour-master or other officer aforesaid, in the execution of the duties imposed on him by this Law.

(2.) The person named or described in such notice shall not land in any part of this Colony, except some person resident in the Colony and approved by the Colonial Secretary as sufficient, shall by deed, which may be in the form given in the Schedule, covenant with the Governor of this Colony and his successors in office to repay to the Governor of the Colony and his successors in office, any charges which may within one year from the date of such deed be incurred by the Government, or any Parochial Board in respect of such person forbidden to land as aforesaid. Such deed shall be exempt from stamp duty.

(3.) If any person forbidden to land as aforesaid, lands in this Colony—

(a.) The ship by which such person arrived at this Colony shall be subject to a maritime lien in favour of His Majesty the King, his heirs and successors, for a sum of 100*l.* in respect of each person forbidden to land as aforesaid, and the amount so charged may be sued for and recovered in the Colonial Court of Admiralty ;

(b.) The ship by which such person arrived at this Colony may be detained by force, if necessary, by the Harbour-master or other officer as aforesaid, with the aid of the water police, or any member of the constabulary (who are hereby required to render assistance to the Harbour-master or other officer as aforesaid, when called upon), until payment of the lien aforesaid, or until arrested under process of the Colonial Court of Admiralty ;

(c.) The master of such ship shall be liable to a penalty not exceeding 50*l.* ;

(d.) The person forbidden to land as aforesaid, or any person who aids or assists him in landing, shall be liable to a penalty not exceeding 50*l.*, and the person forbidden to land may be taken back on board such ship.

(4.) All penalties under this section may be recovered in a summary manner before a Resident Magistrate, or two Justices of the Peace.

2. The master of any ship arriving at this Colony shall answer all questions which the Harbour-master or other officer aforesaid shall put to him, and any master who shall either refuse to answer any such question, or who shall give an untrue answer thereto, shall be liable to a penalty not exceeding 50*l.*

SCHEDULE.

Form of Deed.

To all to whom these presents shall come, *A. B.*, of _____, sendeth greeting :

WHEREAS *C. D.*, who lately arrived in this Colony by the ship _____, has been forbidden to land under the provisions of "The Immigration of Paupers (Prevention) Law, 1905" ;

And whereas the said *A. B.* desires to enable the said *C. D.* to land in the Colony :

Now these presents witness that, in consideration of the said *C. D.* being permitted to land in the Colony, he, the said *A. B.*, doth hereby, for himself, his heirs, executors, and administrators, covenant with the Governor of the Colony for the time being and his successors in office that he, the said *A. B.*, will, on demand, forthwith repay to the said Governor as aforesaid any charges which, within one year from the date hereof, may be incurred in respect of the said *C. D.*

The licence shall be in such form as the Governor may prescribe, and shall be granted subject to any conditions and limitations that he may consider expedient, and may be suspended or revoked by him whenever he thinks fit.

5.—(1.) It shall not be lawful to bond any arms or ammunition.

(2.) All duties of customs and similar duties payable in respect of any imported arms or ammunition shall be paid before such arms or ammunition shall be landed.

(3.) No drawback of duty shall be allowed upon the exportation of any arms or ammunition.

6.—(1.) No person shall, either by himself or by any one in his service or on his behalf, deal in, or keep or expose for the purpose of being dealt in, any arms or ammunition without a licence under this Ordinance first obtained for the purpose.

(2.) Every act of dealing in, or keeping or exposing for the purpose of being dealt in, any arms or ammunition without such licence or elsewhere than in the store named or described in the licence or to which the licence may have been transferred, shall constitute an offence against this Ordinance by the person dealing in or keeping or exposing such arms or ammunition, and, in case such person so deals in or keeps or exposes arms or ammunition in the service of a master or employer, shall constitute an offence also by such master or employer.

(3.) Whoever commits any of the offences described in this section shall incur a penalty not exceeding 50%.

7.—(1.) All applications for licences to deal in arms and ammunition shall be made to the Treasurer, by whom such licences may be granted upon the applicant paying to him the sum of 5% for the use of this Presidency.

(2.) Before granting any such licence the Treasurer shall be satisfied that the person applying for the same is a fit and proper person to be licensed, and that the store proposed to be licensed is a fit and proper place for the storage and sale of arms and ammunition; and the Treasurer may refuse to grant any such licence without assigning any reason to the applicant.

(3.) Whenever it is made to appear to the Treasurer that any person not a licensed dealer in the possession of any arm or arms or ammunition is for good reason desirous of disposing of the same to any other person, the Treasurer may, by and with the consent in writing of the Governor, issue free of cost a licence to deal in the particular arm or arms or ammunition mentioned in such licence.

8. Every such licence shall be in the form given in Schedule (A) to this Ordinance, and subject to the provisions of this Ordinance shall have effect until the close of the 31st day of December of the year in which it shall have been granted.

9. It shall be lawful for the Treasurer at the request of any person licensed to transfer his licence from the store for which it may have been granted to any other store; and nothing in this Ordinance shall be construed to prevent any person from taking out as many licences for dealing in arms and ammunition at as many stores as he may desire; provided that the sum of 5*l.* shall be paid in respect of each licence.

10. The Treasurer or any officer specially authorized by him to that effect or any constable may at any time during daylight enter any store licensed for dealing in arms or ammunition, in order to inspect the stock-in-trade therein; and if any person shall conceal or refuse to point out where the same or any part thereof is kept or otherwise obstruct such Treasurer, officer or constable, he shall incur a penalty not exceeding 20*l.*

11.—(1.) Every person licensed to deal in arms or ammunition shall enter in a book or books to be kept by him for the purpose and in the forms given in Schedule (B) hereto:

(a.) An account of all the stock-in-trade which he has from time to time in his possession or control, entering under its true date every addition thereto and the name of the ship by which the same was imported, if imported by the dealer, or otherwise the name and address of the person from whom he purchased the same;

(b.) The name, place of residence and addition of every person purchasing or otherwise receiving arms or ammunition dealt in by him;

(c.) The name, place of residence and addition of the master or employer of the person purchasing or receiving arms, where that person is a servant or agent; and

(d.) The description and quantity of the arms or ammunition sold and delivered to every such purchaser or receiver together with the true date of every such sale and delivery.

(2.) Such books shall be open at all times to inspection by the Treasurer or Inspector of Police or any officer authorized by the Governor in that behalf, who may take copies of all entries therein contained.

(3.) The Governor may require such books to be kept in duplicate and one of the duplicates to be delivered to the Treasurer or any officer of the Treasury Department at such times as he may think fit.

(4.) If any person so licensed neglects or fails to keep such book or books or to make therein any of the entries that are hereby required, or if any person prevents or obstructs the inspection of any such book or books, or makes any false entry therein, or fails to deliver any duplicate which he may be required to deliver as aforesaid, he shall for every such offence incur a penalty not exceeding 20*l.*

12. It shall not be lawful for any person, save and except officers holding commissions in His Majesty's army and navy, to carry, keep, or possess any article coming within the definition of arms contained in this Ordinance, excepting for the purposes of public duty, without a licence in that behalf first obtained from the Treasurer in the form prescribed in Schedule (C); and every person offending against this section shall incur a penalty not exceeding 20*l*.

13. Before granting any such licence the Treasurer shall demand and receive from the person applying for the same the sum of 2*s*. 6*d*. for one arm and a further sum of 6*d*. for each arm after the first for the use of the Presidency, and shall satisfy himself that the applicant is a fit and proper person to be licensed; and the Treasurer may refuse to grant any such licence without assigning any reason to the applicant.

14. Any person aggrieved by the refusal of the Treasurer to grant to him a licence under section 7 or 13 of this Ordinance may appeal against such refusal to the Governor, and the Governor in Council shall affirm or disallow the decision of the Treasurer.

15. Subject to the provisions of this Ordinance, every licence to carry arms granted under this Ordinance shall have effect from the date thereof until the close of the 31st day of December of the year in which it shall have been granted.

16. The Treasurer may at any time during the currency of any licence cancel and withdraw the same upon refunding to the holder of the licence the sum paid by him for such licence: Provided that before exercising this power the Treasurer shall have obtained authority from the Governor-in-Council so to do.

17. The Treasurer is hereby required to publish in the "Gazette" a list of the names of all persons to whom he shall have granted licences or whose licences shall have been revoked under this Ordinance.

18. Every person licensed under this Ordinance shall produce his licence or licences for inspection whenever required by a Justice of the Peace or Inspector of Police or constable, and for every breach of this section shall incur a penalty not exceeding 5*l*.

19. The Treasurer may before granting or renewing any licence to keep arms require as a condition precedent to the issue of the licence the production to him of the arm which it is intended to keep.

20. Whenever any person in the possession of any arm is refused a licence to keep the same, or is unable or unwilling to license the same, he shall forthwith surrender the said arm to the Treasurer, who shall pay to him, upon the warrant of the Governor, out of the public revenues of the Presidency the value thereof, such value to be ascertained by the valuation of two persons appointed—one by the

Treasurer and the other by the owner of the arm, or in the event of disagreement by an umpire chosen by such valuers.

21. If it shall appear to any District Magistrate that arms or ammunition are kept or deposited or suspected to be kept or deposited upon any premises or in any place contrary to any of the provisions of this Ordinance or for any unlawful purpose, he shall forthwith issue his warrant to cause search to be made in and upon such premises or place; and if any arms or ammunition shall be found to be there so kept or deposited as aforesaid, the same shall be forfeited, and the owner of such arms or ammunition and the occupier and, in default of any occupier, the owner of the premises or place shall each be liable to a penalty not exceeding 100*l*.

22. All penalties incurred under this Ordinance may be recovered upon summary trial and conviction, and in such cases every District Magistrate shall have jurisdiction to the extent of the said penalties, and upon non-payment the said penalties shall be enforced under the provisions of the Magistrates' Summary Jurisdiction Acts.

23. The informer who shall prosecute to conviction, and any other person who may have contributed to the conviction by giving information or otherwise, shall, subject to the discretion of the Governor, receive out of every penalty recovered a sum not exceeding one half thereof, distributed in such proportions as the Governor may direct, and the remainder shall form part of the public revenue of the Presidency; provided that the Governor may remit the whole or any part of any penalty, notwithstanding the interest of any informer or other person therein.

24.—(1.) The Court imposing any penalty upon any person licensed under this Ordinance may, if it appear that the offence is of such a nature as to require that any licence or licences of such person be suspended or revoked, make an order to that effect, and the licence or licences shall be suspended or revoked accordingly.

(2.) The Court making any order for the suspension or revocation of any licence shall forthwith intimate the same to the Treasurer.

25. The Governor may, by any order made with the advice and consent of the Legislative Council, make rules consistent with this Ordinance and, subject to the provisions thereof, for further and better carrying into effect the purposes of this Ordinance, and attach a penalty which may extend to 50*l*. to the breach of any such rule, and alter or revoke all or any of such rules. Every such order shall come into operation upon the publication thereof in the "*Gazette*," or at such time thereafter as shall be in the order provided, and shall have the like force and effect for all purposes as if the same had been made by Ordinance, subject to disallowance by His Majesty.

F. H. WATKINS, *President*.

Passed the Legislative Council the 10th October, 1905.

HENRY DYETT, *Clerk*.

Dated at Antigua, the 18th day of October, 1905, in the fifth year of His Majesty's reign.

Duly published and proclaimed the 28th October, 1905.

F. H. WATKINS, *Provost-Marshal*.

[Here follow Schedules (A), (B), and (C).]

*ORDINANCE of the Government of the Orange River Colony
to amend "The Naturalization of Aliens Ordinance, 1903."**

[No. 7.]

[1905.]

WHEREAS it is desirable to amend in certain respects "The Naturalization of Aliens Ordinance, 1903":

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. Sub-section (1) of section 1 of "The Naturalization of Aliens Ordinance, 1903," shall be and is hereby repealed, and there shall be substituted therefor the following provisions:—

"An alien who has been in the service of the Crown or who within such limited time before making the application hereinafter mentioned as may be prescribed by the Lieutenant-Governor either by general order or on any special occasion, has resided in the Orange River Colony for—

"(a.) A term of not less than five years; or

"(b.) Who having resided in the Orange River Colony for a term of one year immediately before making the application hereinafter mentioned has also resided in any part of His Majesty's Dominions for such period as together with the period of one year aforesaid will make up five years in all;

And who intends when naturalized to reside or to serve under the Crown in the Orange River Colony, may apply for a certificate of naturalization in the form prescribed in the First Schedule hereto."

2. Notwithstanding anything in "The Naturalization of Aliens Ordinance, 1903," contained, any person who shall have been granted a certificate of naturalization in the United Kingdom under section 7 of "The Naturalization Act, 1870," of the Imperial Parliament, or who shall have been granted a certificate of re-admission to British nationality under section 8 of the said Act, and

shall not subsequently have divested himself of his status as a British subject, shall, subject to any existing or future laws of this Colony, be entitled in this Colony to all the rights, powers, and privileges, and be subject to all the obligations to which he would be entitled and subject if he had been granted a certificate of naturalization under the provisions of "The Naturalization of Aliens Ordinance, 1903," or of this Ordinance.

3. The form prescribed in the First Schedule to "The Naturalization of Aliens Ordinance, 1903," shall be and is hereby repealed, and there shall be substituted therefor the form set forth in the Schedule to this Ordinance annexed.

4. This Ordinance may be cited for all purposes as "The Naturalization of Aliens Amendment Ordinance, 1905," and shall be read as one with "The Naturalization of Aliens Ordinance, 1903."

SCHEDULE.

Form of Application for Certificate of Naturalization.

To the Colonial Secretary of the Orange River Colony:

I, *A. B.*, do hereby apply for a certificate of naturalization in the Orange River Colony, and I declare that the following statements are true and correct in every particular:—

1. Name of applicant in full.....
2. Married or single.....
3. Names and ages of children (if any).....
4. Present nationality, and whether acquired by birth or naturalization.....
5. If applicant has resided in British dominion other than the Orange River Colony, state place or places and period or periods of such residence.....
6. Names and nationality of parents.....
7. Birthplace (state fully name of place and country).....
8. Age next birthday.....
9. Occupation.....
10. Place of residence in Orange River Colony.....
11. Period or periods during which, and place or places in which, applicant has resided in Orange River Colony, giving dates and addresses.....
12. Length of time during which applicant has been in service of Crown.....
13. Does the applicant, if naturalized, intend to reside in Orange River Colony?.....

Declared at , this day of , 19 .

Signature of applicant.

Before me:

, *R.M. or J.P.*

ACT of the Government of Queensland, to prevent the Influx of Criminals into Queensland, and to prevent certain Criminals from remaining in or returning to the said State.

[5 Edw. VII, No. 24.]

— [Assented to December 20, 1905.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Influx of Criminals Prevention Act of 1905," and shall commence and take effect on and from the 1st day of January, 1906.

2. In this Act—

"Minister" means the Chief Secretary or other Minister of the Crown charged for the time being, with the administration of this Act;

"Justice" means Justice of the Peace;

"State" means State of the Commonwealth of Australia;

"Vessel" includes every description of ship or boat.

3. If any person, other than a person who has been resident in Queensland at or prior to the commencement of this Act:

(i.) Has, before or after the commencement of this Act, been convicted in any other State or place beyond the limits of Queensland—

(a.) Of an offence against the Act of the Commonwealth intituled "The Immigration Restriction Act, 1901,"* by reason of his being a prohibited immigrant within the definition in section 3, sub-section (e) or (f), of that Act, and being found within the Commonwealth in contravention or evasion of the said sub-section (e) or (f); or

(b.) Of an offence for which in such State or place he was liable to suffer death or to be imprisoned for one year or longer; and

(ii.) Comes into Queensland before the lapse of three years after the termination of any imprisonment suffered by him or of any term of release on probation or of recognizance or suretyship to be of good behaviour in respect of any such offence, he shall be guilty of an offence against this Act.

4. If any master or other person commanding any vessel brings in such vessel to any port or place in Queensland any person who, to his knowledge has been convicted in any other State or place

beyond the limits of Queensland of any offence mentioned in paragraph (b) of the last preceding section, and has within three years prior to the arrival of such vessel at such port or place been released from any imprisonment suffered in respect of such offence, he shall be liable to a penalty not exceeding 100*l.*, or to imprisonment for any term not exceeding six months, or to both such penalty and imprisonment.

5. If any person, having been convicted of an offence against this Act, and not having been discharged upon recognizance under this Act, remains in Queensland for one month after the termination of any imprisonment suffered in respect of such offence, or having left returns to Queensland within three years after the termination of such imprisonment, he shall be guilty of an offence against this Act.

6. If any person, having been convicted of an offence against this Act, and having been discharged upon recognizance under this Act, commits a breach of such recognizance, he shall be guilty of an offence against this Act, and the convicting Justices shall forfeit the recognizance entered into by the offender and his sureties.

7. If any person harbours or conceals any person whom he knows or believes to be guilty of an offence against this Act, he shall be liable to a penalty not exceeding 100*l.*, or to imprisonment for any term not exceeding twelve months.

8. Any person guilty of an offence against this Act shall be liable to imprisonment for any term not exceeding twelve months and, in addition to, or in substitution for, such imprisonment, shall be liable to be deported from Queensland upon the order in that behalf of the Minister:

Provided that any such offender may be released from any imprisonment imposed under this section—

(a.) For the purposes of the deportation of the offender; or

(b.) Upon the offender entering into a recognizance in the sum of 50*l.*, with two approved sureties, each in a like sum, conditioned that he will leave Queensland within seven days after his release, and not return to Queensland within three years after the date of his release; or

(c.) Upon the offender entering into a recognizance in the sum of 200*l.* with two approved sureties, each in a like sum, conditioned that he will be of good behaviour for a period of five years from the date of his release.

9.—(1.) Any constable may, without any warrant other than this Act, apprehend any person whom he has reasonable cause to suspect to be guilty of an offence against this Act.

(2.) Any Justice before whom complaint on oath has been laid that any person is guilty of an offence against this Act, and that such person is on board any vessel or is harboured or concealed in any

house or other place, may grant a general warrant to any constable to search for such person.

Any constable may by virtue of such warrant enter and search, by day or by night, any vessel on board of which such person may be suspected to be, or any dwelling-house, building, or other place wherein such person may be suspected to be harboured or concealed, and apprehend any person whom such constable has reasonable cause to suspect to be guilty of an offence against this Act, and may also apprehend any person found on board such vessel or in or about such dwelling-house, building, or place whom such constable has reasonable grounds to suspect and believe to have knowingly harboured or concealed any such suspected person.

(3.) All persons apprehended as aforesaid shall be forthwith taken before Justices to be dealt with as in this Act provided.

10. Any person apprehended on suspicion of being guilty of an offence against this Act may be discharged out of custody by any Justice upon his entering into a recognizance, with or without sureties and in such several sums as such Justice directs, conditioned that such person shall appear at the time and place named in such recognizance.

11. All property found upon or in possession of any person so apprehended, shall be seized and detained; and in the event of his being convicted and sentenced under this Act may, in the discretion of the convicting Justices, be forfeited and sold.

12. All penalties, and the proceeds of the sale of any property forfeited under this Act, shall be paid into the police reward fund, except such portion thereof, not exceeding one-half, as the convicting Justices may award to the informer.

13. A certificate signed by the Commissioner or other head or acting head of the police force of any State or place beyond the limits of Queensland, setting forth—

(a.) The name or names by which a person previously convicted in such State or place is known:

(b.) A description of such person;

(c.) The fact that he was so convicted; and

(d.) The date on which, the place where, the offence for which, and the term of imprisonment to which, such person was so convicted or sentenced,

shall be admissible in any legal proceeding taken against a person accused of an offence against this Act as *prima facie* evidence of the facts stated in such certificate, and that such accused was the person convicted and sentenced as therein set forth, and such certificate shall be deemed an official document for the purpose of section 42 of "The Evidence and Discovery Act of 1867."

*ORDINANCE of the Government of St. Christopher and Nevis,
to regulate the Importation, Sale, and Possession of Arms and
Ammunition.*

[No. 4.]

[March 27, 1905.]

I assent.

(L.S.) C. C. KNOLLYS, *Governor*.

BE it ordained by the Governor and Legislative Council of St. Christopher and Nevis as follows:—

1. This Ordinance may be cited for all purposes as “The Arms and Ammunition Ordinance, 1905.”

2. This Ordinance shall come into operation on a day to be fixed by the Governor by Proclamation.

3. In this Ordinance—

“Deal in” includes disposal by sale, barter, exchange, or gift, or in any other manner, with or without valuable considerations;

“Arms” includes cannons, guns, pistols, swords, bayonets, daggers, and every description of fire-arms or weapons and also all instruments or implements which the Governor may from time to time by Order in Council declare to be arms for the purposes of this Ordinance;

“Ammunition” includes gunpowder, gun-cotton, dynamite and other explosive substances, cartridges, percussion caps, rockets, shots, shells, and bullets, and also all substances or materials which the Governor may from time to time by Order in Council declare to be ammunition for the purposes of this Ordinance; and

“Store” includes house, shop, and every other building.

4. The Governor in Council may at any time by Proclamation prohibit the importation of all or any arms and ammunition, either absolutely or except under such rules and conditions as may be specified in the Proclamation, and may at any time in like manner annul and vary any Proclamation made under this section; and if any arms or ammunition shall be imported contrary to any such Proclamation, the articles so imported shall be forfeited, without such forfeiture affecting any liabilities incurred by the offenders under the revenue laws or otherwise: Provided that the Governor may, notwithstanding any such Proclamation, by licence either authorize any person to import any arms or ammunition or dispense with any of the rules or conditions under which the same may be imported. The licence shall be in such form as the Governor may prescribe, and shall be granted subject to any conditions and limitations that he may consider expedient, and may be suspended or revoked by him, whenever he thinks fit.

5.—(1.) It shall not be lawful to bond any arms or ammunition

except under such conditions with regard to safety as the Treasurer may prescribe in each case.

(2.) All duties of customs and similar duties payable in respect of any imported arms or ammunition shall be paid within twenty-four hours after such arms or ammunition shall be landed.

(3.) No drawback of duty shall be allowed upon the exportation of any arms or ammunition.

6.—(1.) No person shall, either by himself or by any one in his service or on his behalf, deal in, or keep or expose for the purpose of being dealt in, any arms or ammunition without a licence under this Ordinance first obtained for the purpose.

(2.) Every act of dealing in, or keeping or exposing for the purpose of being dealt in, any arms or ammunition without such licence or elsewhere than in the store named or described in the licence or to which the licence may have been transferred, shall constitute an offence against this Ordinance by the person dealing in or keeping or exposing such arms or ammunition, and, in case such person so deals in or keeps or exposes arms or ammunition in the service of a master or an employer, shall constitute an offence also by such master or employer.

(3.) Whosoever commits any of the offences described in this section shall incur a penalty not exceeding 50*l*.

7.—(1.) All applications for licences to deal in arms and ammunition shall be made to the Treasurer by whom such licences may be granted by the applicant paying to him the sum of 5*l*. for the use of this Presidency.

(2.) Before granting any such licence the Treasurer shall be satisfied that the person applying for the same is a fit and proper person to be licensed, and that the store proposed to be licensed is a fit and proper place for the storage and sale of arms and ammunition; and the Treasurer may refuse to grant any such licence without assigning any reason to the applicant.

8. Every such licence shall be in the form given in Schedule (A) to this Ordinance, and subject to the provisions of this Ordinance shall have effect until the close of the 31st day of March, 1906, and thereafter every such licence shall have effect from the 1st day of April in each year until the 31st day of March in the following year.

9. It shall be lawful for the Treasurer at the request of any person licensed under this Ordinance to transfer his licence from the store for which it may have been granted to any other store; and nothing in this Ordinance shall be construed to prevent any person from taking out as many licences for dealing in arms and ammunition at as many stores as he may desire; provided that the sum of 5*l*. shall be paid in respect of each licence.

10. The Treasurer or any officer specially authorized by him to that effect, or any officer or non-commissioned officer of the police force, may at any time during daylight enter any store licensed for dealing in arms or ammunition, in order to inspect the stock-in-trade therein; and if any person shall conceal or refuse to point out where the same or any part thereof is kept or otherwise obstruct such Treasurer, officer, or non-commissioned officer as aforesaid, he shall incur a penalty not exceeding 20*l*.

11.—(1.) Every person licensed to deal in arms or ammunition shall enter in a book or books to be kept by him for the purpose and in the forms given in Schedule (B) hereto—

(a.) An account of all the stock-in-trade of arms and ammunition which he has from time to time in his possession or control, entering under its true date every addition thereto and the name of the ship by which the same was imported, if imported by the dealer, or otherwise the name and address of the person from whom he purchased the same;

(b.) The name, place of residence and addition of every person purchasing or otherwise receiving arms or ammunition dealt in by him;

(c.) The name, place of residence and addition of the master or employer of the person purchasing or receiving arms, where that person is a servant or agent; and

(d.) The description and quantity of the arms or ammunition sold and delivered to every purchaser or receiver, together with the true date of every such sale and delivery.

(2.) Such books shall be open at all times to inspection by the Treasurer, or Inspector of Police, or any officer authorized by the Governor in that behalf, who may take copies of all entries therein contained.

(3.) The Governor may require such books to be kept in duplicate, and one of the duplicates to be delivered to the Treasurer or any officer of the Treasury Department at such times as he may think fit.

(4.) If any person so licensed neglects or fails to keep such book or books, or to make therein any of the entries that are hereby required, or if any person prevents or obstructs the inspection of any such book or books, or makes any false entry therein, or fails to deliver any duplicate which he may be required to deliver as aforesaid, he shall for every such offence incur a penalty not exceeding 20*l*.

(5.) Whenever it is made to appear to the Treasurer that any person not a licensed dealer in the possession of any arms or ammunition, is for good reasons desirous of disposing of the same to any other person, the Treasurer may, by and with the approval of the

Governor, grant permission to such person to deal in the particular arm or arms or ammunition.

12. It shall not be lawful for any person save and except officers holding commissions in His Majesty's army or navy, or in any British volunteer or defence force, to carry, keep, or possess any article coming within the definition of arms contained in this Ordinance, excepting for the purposes of public duty, without a licence in that behalf first obtained from the Treasurer or such other person or persons at such place or places respectively as the Treasurer may from time to time nominate in that behalf; and every person offending against this section shall be liable to a penalty not exceeding 20*l*. Such licence as aforesaid shall be in the form prescribed in Schedule (C), and shall bear the date of and commence on the date of its being granted, and shall expire on the 31st day of March, 1906, and thereafter every such licence shall have effect from the 1st day of April in each year until the 31st day of March in the following year.

13. Before granting any such licence the Treasurer or such person nominated as aforesaid shall demand and receive from the person applying for the same the sum of 2*s*. 6*d*. for one arm and a further sum of 6*d*. for each arm after the first for the use of the Presidency, and shall satisfy himself that the applicant is a fit and proper person to be licensed; and the Treasurer or such other person as aforesaid may refuse to grant any such licence without assigning any reason to the applicant: Provided that under special circumstances the Treasurer may, with the approbation of the Governor, grant any such licence free of charge, either altogether or as to any one or more arms comprised therein.

14. Any person aggrieved by the refusal of the Treasurer to grant to him a licence under sections 7 or 13 of this Ordinance may appeal against such refusal to the Governor in Council, and the Governor in Council shall affirm or disallow the decision of the Treasurer.

15. Every person to whom a licence has been granted under the provisions of this Ordinance, and who has not renewed such licence for the then current year, shall within thirty days after the expiration of such licence in each year apply for the renewal of the same; and every person offending against this section shall be liable to a penalty not exceeding 5*l*.

16. The Treasurer may at any time during the currency of any licence cancel and withdraw the same upon refunding to the holder of the licence the sum paid by him for such licence: Provided that before exercising this power the Treasurer shall have obtained authority from the Governor in Council so to do.

17. The Treasurer and all such persons nominated as aforesaid

shall keep registers of all licences issued by them respectively under the provisions of this Ordinance, specifying the name and place of abode of every person to whom he or such other person shall have granted any such licence and the number of arms which each such person shall have been thereby licensed to keep; and the Treasurer shall publish in the "Gazette" and in a local newspaper a list of the names of all persons to whom he or such other person shall have granted licences or whose licences shall have been revoked under this Ordinance during the year.

18. Every person licensed under this Ordinance shall produce his licence or licences for inspection whenever required by a revenue officer or any member of the Leeward Islands police force so to do, and for every breach of this section shall be liable to a penalty not exceeding 5*l*.

19. The Treasurer or such other person nominated by him as aforesaid may before granting or renewing any licence to keep arms require as a condition precedent to the issue of the licence the production to him of the arm which it is intended to keep.

20. Whenever any person in the possession of any arm is refused a licence to keep the same, or is unable to license the same, he shall forthwith surrender the said arm to the Treasurer.

Every person in whose custody, charge, or possession, or in or upon whose house or premises any arm shall be found, shall be deemed for the purposes of this Ordinance to keep and possess such arm unless the contrary be proved, the onus of proving which shall be upon such person.

21. If it shall appear to any District Magistrate that arms or ammunition are kept or deposited, or suspected to be kept or deposited, upon any premises or in any place contrary to any of the provisions of this Ordinance, or for any unlawful purpose, he shall forthwith issue his warrant to cause search to be made in and upon such premises or place; and if any arms or ammunition shall be found to be there so kept or deposited as aforesaid the same shall be forfeited, and the owner of such arms or ammunition and the occupier and, in the default of any occupier, the owner of the premises or place shall each be liable to a penalty not exceeding 100*l*.

22. It shall be lawful for any officer or non-commissioned officer of the Leeward Islands police force at any time upon obtaining a warrant from a District Magistrate to do so, which any District Magistrate is hereby empowered to grant upon reasonable and probable cause being shown to his satisfaction, to enter into and upon any house or premises where he has reasonable cause to believe that any arm is kept which is liable to be, but which has not been, licensed under this Ordinance, and to search for any such

arm; and any person unlawfully hindering, obstructing, or resisting any such officer or non-commissioned officer as aforesaid shall be liable to a penalty not exceeding 2*l*.

23. If the holder of any licence granted under the provisions of this Ordinance is convicted of using fire-arms for the purpose of signalling smuggling vessels, or of unlawfully offering or doing violence to any person by means of fire-arms, the Treasurer shall be empowered, with the approval of the Governor, to revoke the licence of, and in addition to refuse to issue a licence to, any person so convicted, and the certificate of a District Magistrate or of the Registrar of the Supreme Court shall be sufficient proof of such conviction.

24. Any person who forges any licence given under the provisions of this Ordinance, or who makes any fraudulent use of any such licence, shall be liable to a penalty not exceeding 50*l*.

25. The informer who shall prosecute to conviction, and any other person who may have contributed to the conviction by giving information or otherwise, shall, subject to the discretion of the Governor, receive out of every penalty recovered a sum not exceeding one-half thereof, distributed in such proportions as the Governor may direct, provided that the Governor may remit the whole or any part of any penalty, notwithstanding the interest of any informer or other person therein.

26. All penalties incurred under this Ordinance may be recovered summarily before a District Magistrate under the provisions of "The Magistrates' Code of Procedure Act, 1891," and proceedings thereupon may be commenced at any time within two years after the commission of the offence by reason whereof such penalty had been incurred.

27. The provisions of this Ordinance shall be additional to and shall not derogate from the existing enactments of this Presidency relating to arms and ammunition.

28. The Ordinances set forth in Schedule (D) are hereby repealed: Provided always that this repeal shall not affect—

- (a.) Any right or privilege acquired;
 - (b.) Any liability incurred;
 - (c.) Any prosecution pending; and
 - (d.) Any penalty, forfeiture, fine, or punishment imposed,
- before the coming into operation of this Ordinance.

F. S. WIGLEY, *President of the Council*.

Passed the Legislative Council the 22nd March, 1905.

G. C. JOHNSON, *Clerk of the Council*.

Duly published at the Town of Basseterre, this 30th day of March, 1905.

R. H. KORTRIGHT DYETT, *Provost-Marshal*.

610 GREAT BRITAIN (*St. Christopher and Nevis*).

SCHEDULE (A).

Form of Licence to deal in Arms and Ammunition.

LICENCE is hereby granted under Ordinance No. 4 of 1905 to [*name and residence of person licensed*] to deal in arms and ammunition at one store [*description of store, by name, situation, or otherwise, sufficient to identify it*] at [*name of town or place*], until the 31st day of March, [*year*].

Dated this day of ,

, *Treasurer.*

SCHEDULE (B).

I.—Form of Stock Book.

Date of Importation or Purchase.	Quantity and Description of Arms and Ammunition.	Name of Importing Ship, or Name and Address of Merchant or other Person from whom purchased.

II.—Form of Sales Book.

Date of Sale.	Date of Delivery.	Quantity and Description of Arms and Ammunition.	Names, Address, and Quality of Purchaser.	Names, Address, and Quality of Master or Employer when Purchaser is a Servant or Agent.

SCHEDULE (C).

LICENCE is hereby granted under "The Arms and Ammunition Ordinance, 1905," to , residing at , to carry, keep, and possess the arms indorsed hereon until the 31st day of March, [*year*].

Dated this day of , 190 .

, *Treasurer.*

Amount paid, s. d.

SCHEDULE (D.)

No. and Date.		Extent of Repeal.
7 of 1896	An Ordinance to regulate the importation, sale, and possession of arms and ammunition	The whole Ordinance and all Rules made thereunder.
10 of 1896	An Ordinance to amend Ordinance No. 7 of 1896	The whole Ordinance.

*ORDINANCE of the Government of St. Vincent, to amend
“The Naturalization Ordinance, 1902.”**

[No. 8.]

[July 6, 1905.]

I assent.

(L.S.) R. B. LLEWELYN, *Governor*.

June 29, 1905.

BE it enacted by the Governor, with the advice and consent of the Legislative Council of St. Vincent, as follows:—

1. This Ordinance may be cited as “The Naturalization Ordinance, 1902, Amendment Ordinance, 1905,” and shall be read and construed with “The Naturalization Ordinance, 1902,” as one Ordinance, and may be cited therewith as “The Naturalization Ordinances, 1902 and 1905.”

2. The evidence required by section 3 of “The Naturalization Ordinance, 1902,” to be adduced in support of the alien’s application for naturalization may be given by declaration.

3. Any person wilfully or corruptly making or subscribing in this Colony any declaration under the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intituled “An Act to Amend the Law relating to the Legal Condition of Aliens and British Subjects,”† passed in the thirty-third year of the reign of Her late Majesty Queen Victoria and in the year of our Lord 1870, or under “The Naturalization Ordinance, 1902,” knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and be liable to imprisonment, with or without hard labour, for any term not exceeding twelve months.

Passed the Legislative Council the 24th day of June, 1905, and published in the Government “Gazette,” this 6th day of July, 1905.

V. F. DRAYTON, *Acting Clerk of Council*

* Vol. XCV, page 340.

† Vol. LX, page 267.

*ORDINANCE of the Government of Southern Rhodesia, to
provide for the Surrender of Fugitive Criminals.*

[No. 2.]

— [Promulgated July 14, 1905.]

BE it enacted by the Administrator of Southern Rhodesia, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Fugitive Criminals Surrender Ordinance, 1905."

2. For the purpose of this Ordinance, the following terms shall, unless the context otherwise indicate, have the meaning set opposite to each respectively.

(a.) "Territory" means the Protectorate of Southern Rhodesia.

(b.) "Administrator," the Officer for the time administering the Government of the Territory.

(c.) "Crime in respect of which surrender may be granted," a crime which would be punishable by the law of the Territory, if committed in the Territory, and which would (by whatever name designated by the law of the Territory) be one of the crimes described in the First Schedule hereto:

Provided that every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any crime, or of being accessory before or after the fact of any such crime, shall be deemed, for the purposes of this Ordinance, to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

(d.) "Conviction" and "convicted" do not include or refer to a conviction, which under foreign law is a conviction for contumacy; but the term "accused person" includes a person so convicted for contumacy.

(e.) "Fugitive criminal," any person accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of any foreign State, who is in, or is suspected of being in, or on the way to, some part of the Territory, and the term "fugitive criminal of a foreign State" means a fugitive criminal accused or convicted of a crime in respect of which surrender may be granted, committed within the jurisdiction of that State.

(f.) "Judge," any Judge or Acting Judge of the High Court of Southern Rhodesia.

(g.) "Magistrate," a Magistrate or Assistant Magistrate duly appointed, and includes an Acting Magistrate.

(h.) "Diplomatic Representative of a foreign State" includes any person duly recognized by the Administrator as a Consul-

General, Consul, or Vice-Consul, or as the Officer administering the Government of any possession, dependency, or Protectorate of the State.

(i.) "Oath" includes affirmation.

(j.) "Warrant" in the case of any foreign State includes any judicial document authorizing the arrest of a person accused or convicted of crime.

3.—(1.) Where an arrangement has been made between His Majesty the King and the Ruler of a foreign State, under which the Territory is to surrender to that State, or to its Protectorates, any fugitive criminals, the Administrator may, by notice in the "Gazette," direct that this Ordinance shall apply in the case of that State during the continuance of the arrangement, and after such notice has been published in the "Gazette" this Ordinance shall, subject to the terms of the arrangement, apply accordingly.

(2.) No such notice shall remain in force for any longer period than the arrangement, and the Administrator may, by the same or any subsequent notice, limit the application of this Ordinance or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

4. For the purposes of this Ordinance every Magistrate shall be deemed to be a Police Magistrate within the meaning of "The Extradition Act, 1870,"* and shall have the same jurisdiction, duties, and powers, as near as may be.

5. The following restrictions shall be observed with respect to the surrender of fugitive criminals :—

(1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the Magistrate, or the Court before whom he is brought on *habeas corpus*, or any similar writ or proceeding, or to the Administrator, that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

(2.) A fugitive criminal shall not be surrendered to a foreign State unless provision is made by the law of that State, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Territory, be detained or tried in that foreign State for any offence committed prior to his surrender other than the crime proved by the facts on which the surrender is grounded.

(3.) A fugitive criminal who has been accused of some offence within His Majesty's jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any con-

viction in the Territory, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise.

(4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

6. Where this Ordinance applies in the case of any foreign State, every fugitive criminal of that State who is in, or suspected of being in, any part of the Territory shall be liable to be apprehended and surrendered in manner provided by this Ordinance, whether the crime in respect of which the surrender is sought was committed before or after the coming into operation of this Ordinance, and whether there is or is not any concurrent jurisdiction in any Court of His Majesty's dominions or of the Territory over that crime.

7.—(1.) A requisition for the surrender of the fugitive criminal of any foreign State, who is in, or suspected of being in, the Territory, shall be made to the Administrator by some person recognized by him as a Diplomatic Representative of that foreign State.

(2.) The Administrator may, by order under his hand signify to a Magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

(3.) If the Administrator is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

8.—(1.) A warrant for the apprehension of a fugitive criminal whether accused or convicted of a crime, who is in, or suspected of being in, or on the way to the Territory, may be issued—

(a.) By a Magistrate on the receipt of the said order of the Administrator, and on such evidence as would, in his opinion, justify the issue of the warrant if the crime had been committed or the criminal convicted in the Territory; and

(b.) By a Magistrate on such information or complaint and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the Territory in which he exercises jurisdiction.

(2.) Any Magistrate issuing a warrant under this section without an order from the Administrator shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the Administrator, who may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

(3.) A fugitive criminal apprehended on a warrant issued without the order of the Administrator shall be discharged by the Magistrate, unless the Magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from the Administrator an order signifying that a requisition has been made for the surrender of such criminal.

9.—(1.) When a fugitive criminal is brought before the Magistrate, such Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner was brought before him charged with an indictable offence committed in the Territory.

(2.) The Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character, or is not a crime in respect of which his surrender may be granted.

10.—(1.) In the case of a fugitive criminal accused of a crime in respect of which his surrender may be granted, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Territory, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the Territory, the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

(2.) In the case of a fugitive criminal alleged to have been convicted of a crime in respect of which his surrender may be granted if such evidence is produced as (subject to the provisions of this Ordinance) would, according to the law of the Territory prove that the prisoner was convicted of such crime the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

(3.) If he commits such criminal to prison he shall commit him to a prison or other place of safe custody in the Territory, there to await the warrant of the Administrator for his surrender; and shall forthwith send to the Administrator a certificate of the committal and such report upon the case as he may think fit.

11.—(1.) If the Magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for his release if he can show good and sufficient ground therefor.

(2.) Upon the expiration of the said fifteen days, or, if application for release is made after decision of the Court upon such application, as the case may be, or after such further period as may be allowed in either case by the Administrator, the Administrator may,

by warrant under his hand, order the fugitive criminal (if not delivered on the decision of the Court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

(3.) Any person to whom such warrant is directed, and the person so authorized as aforesaid, may receive, lawfully hold in custody, and convey within the jurisdiction of such foreign State the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered [? on] or in pursuance of such warrant, he may be retaken in the same manner as any person accused of any crime against the laws of the Territory may be retaken upon an escape.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Territory within two months after such committal, or if application for release is made, after the decision of the Court upon such application, any Judge upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to the Administrator, may order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

13. The warrant of a Magistrate issued in pursuance of this Ordinance may be executed in any part of the Territory in the same manner as if the same had been originally issued or subsequently endorsed by a Magistrate having jurisdiction in the place where the same is executed.

14. Depositions or statements on oath taken in a foreign State, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Ordinance.

15. Foreign warrants and depositions or statements on oath and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purpose of this Ordinance, if authenticated in manner provided for the time being by law, or authenticated as follows:—

(1.) If the warrant purports to be signed by a Judge, Magistrate, or Officer of the foreign State where the same was issued;

(2.) If the depositions or statements, or the copies thereof, purport to be certified under the hand of a Judge, Magistrate, or other proper Officer of the foreign State, where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3.) If the certificate of or judicial document stating the fact of conviction purports to be signed by a Judge, Magistrate, or other proper Officer of the foreign State where the conviction took place; and if, in every case, the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State. And all Courts of Justice and Magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

16. Where, in pursuance of any arrangement with a foreign State, any person accused or convicted of any crime which, if committed in the Territory, would be (by whatever name designated by the law of the Territory) one of the crimes described in the First Schedule hereto, is surrendered by that foreign State, such person shall not, until he has been restored or had an opportunity of returning to such foreign State, be triable or tried for any offence committed prior to the surrender in any part of His Majesty's dominions or Protectorates other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

17. The forms set forth in the Second Schedule hereto, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

18. The testimony of any witnesses may be obtained in relation to any criminal matter pending in any Court or Tribunal in a foreign State in like manner as it may be obtained in relation to any civil matter under the Act of the Session of the 19th and 20th years of the reign of Her late Majesty, chapter 113, intituled "An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign Tribunals,"* which Act shall, for this purpose, apply to and be in force within the Territory; and all the provisions of that Act shall be construed as if the term "Colony or Possessions" included a Protectorate, and as if the term "civil matter" included a criminal matter, and the term "cause" included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

19.—(1.) The Administrator may, by order under his hand, require a Magistrate to take evidence for the purpose of any criminal matter pending in any Court or Tribunal in any foreign State; and the Magistrate upon the receipt of such order, shall

take the evidence of every witness appearing before him for the purpose, in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Administrator; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition.

(2.) Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence.

(3.) Every person who wilfully gives false evidence before a Magistrate under this section shall be guilty of perjury.

(4.) Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

20. For the purposes of this Ordinance every constituent part of a foreign State and every Colony, Dependency, or Protectorate of and every vessel of that State, shall be deemed to be within the jurisdiction of and to be part of such foreign State.

THE FIRST SCHEDULE.

List of Crimes.

Abduction.

Arson.

Assault, including indecent assault and assaults with any special intent.

Bigamy.

Child-stealing and man-stealing.

Culpable homicide or manslaughter.

Coining, or uttering counterfeit or altered coin.

Fraud.

Forgery.

Housebreaking (including the breaking into any building or hut) with intent to commit any crime.

Malicious injury to property.

Murder.

Perjury or subornation of perjury.

Rape, and assault to commit rape.

Robbery.

Violence, public or private.

Theft, including theft by means of embezzlement and theft by false pretences.

Offences against any of the following laws:—

The laws regulating and controlling the dealing and delivery of arms and ammunition.

The laws dealing with the possession or sale of raw gold.

The laws dealing with desertion from any police or defensive force.

The laws regarding insolvency or bankruptcy.

The laws safeguarding railways and travellers on railways.

The laws for the suppression of witchcraft.

The laws for the prevention of immorality, and protection of women and girls.

The laws dealing with escape from lawful custody.

Attempting, inciting to, or being accessory to, the commission of any of the aforesaid crimes or offences.

Any other crime which is punishable in the territory by imprisonment for a term of twelve or more months.

THE SECOND SCHEDULE.

[Forms. Not printed.]

ACT of the Government of Newfoundland, respecting Foreign Fishing Vessels.

[5 Edw. VII, cap. 4.]

[Passed June 15, 1905.]

BE it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing-vessel being within any port on the coasts of this island, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks or harbours in this island, and may bring such foreign fishing-vessel into port, may search her cargo and may examine the master upon oath touching the cargo and voyage; and the master or person in command shall answer truly such questions as shall be put to him under a penalty not exceeding 500 dollars. And if such foreign fishing-vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this island or within the distance of 3 marine miles from any of the coasts, bays, creeks, or harbours of this island, or if the master of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port or on any part of the coasts of this island, or has entered such waters for any purpose not permitted by Treaty or Convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

2. All goods and vessels, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanour and liable to a fine of 500 dollars.

3. In any prosecution under this Act, the presence on board any foreign fishing-vessel in any port of this island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery, shall be *primâ facie* evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

4. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate, and any vessel, and the tackle, rigging, apparel, furniture, stores and cargo thereof liable to forfeiture under the provisions of this Act, may be sued for, prosecuted, recovered and condemned in a summary manner before a Stipendiary Magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

5. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

6. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act, shall be quashed or set aside for any informality; provided the same shall be substantially in accordance with the intent and meaning of this Act.

7. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with His Majesty.

8. The Governor in Council may at any time, by Proclamation, suspend the operation of this Act for such period as may be expedient and as shall be declared in such Proclamation.

9. In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

10. The Act 56 Vic., cap. 6, entitled "An Act respecting Foreign Fishing Vessels,"* is hereby repealed.

ORDINANCE of the Government of Trinidad and Tobago, to amend the Law relating to Patents, Designs, and Trade-marks.

[No. 13.]

[June 19, 1905.]

(L.S.) H. M. JACKSON, *Governor*.

June 27, 1905.

BE it enacted by the Governor of Trinidad and Tobago, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Patents Ordinance, 1905."

It shall be read as one with "The Patents, Designs, and Trade-marks Ordinance, No. 76."†

The said Ordinance and this Ordinance may together be cited as "The Patents, Designs, and Trade-marks Ordinances."

2.—(1.) If His Majesty is pleased, by Order in Council, to apply the provisions of section 103 of the Imperial Act, entitled "The Patents, Designs, and Trade-marks Act, 1883,"‡ as amended by the Imperial Act, entitled "The Patents Act, 1901,"§ to this Colony, then any person who has applied for protection for any invention, design, or trade-mark in the United Kingdom, or in any foreign State with the Government of which His Majesty has made arrangements, under the said section, for mutual protection of inventions, designs, and trade-marks, shall be entitled to a patent for his invention or to registration of his design or trade-mark as the case may be under "The Patents, Designs, and Trade-marks Ordinances," in priority to other applicants; and such patent or registration shall

* Vol. LXXXV, page 333.

† Ordinance No. 10 of 1900 See Vol. XCIV, page 282.

‡ Vol. LXXIV, page 211. § Vol. XCIV, page 500.

take effect from the same date as the date of the application in the United Kingdom or such foreign State (as the case may be).

(2.) Such application shall be made within twelve months from such person applying for protection in the United Kingdom or the foreign State with which the arrangement is in force.

(3.) Nothing in this section contained shall entitle the patentee or proprietor of the design or trade-mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification or the actual registration of his design or trade-mark, as the case may be, in this Colony.

(4.) The publication in this Colony during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade-mark, shall not invalidate the patent granted for the invention or the registration of the design or trade-mark.

(5.) The application for the grant of a patent or the registration of a design or a trade-mark under this section shall be made in the same manner, and subject to the payment of the same fees, as an ordinary application under "The Patents, Designs, and Trade-marks Ordinance, No. 76."

(6.) In the case of a patent, an application under this section shall be accompanied by a complete specification which, if it be not accepted within the period of twelve months, shall with drawings (if any) be open to public inspection at the expiration of that period.

(7.) The provisions of this section shall, in the case of foreign States, apply only in the case of those foreign States with respect to which His Majesty, from time to time, by Order in Council, declares the provisions of the aforesaid section 103 of the said first recited Imperial Act to be applicable, and so long only in the case of each State as such Order continues in force with respect to that State.

3.—(1.) Whenever it appears to the Governor in Executive Council that the Legislature of any British possession has made satisfactory provision for the protection in such possession of inventions, designs, and trade-marks patented or registered in this Colony, the Governor in Council may, by Order, apply all or any of the provisions of the last preceding section relating to the protection of inventions, designs, and trade-marks patented or registered in the United Kingdom, with such variations or additions (if any) as to the Governor in Council seem fit, to inventions patented and designs and trade-marks registered in such British possession.

(2.) An Order in Council under this section shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Ordinance; but the Governor in Council may revoke any such Order.

Passed in Council this 19th day of June, in the year of Our Lord 1905.

ALFRED TAITT,

Acting Clerk of the Council.

ORDINANCE of the Government of Trinidad and Tobago, to amend "The Patents Ordinance, 1905."

[No. 35.]

[December 4, 1905.]

(L.S.) H. M. JACKSON, *Governor.*

December 14, 1905.

BE it enacted by the Governor of Trinidad and Tobago, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Patents (Amendment) Ordinance, 1905."

"The Patents, Designs, and Trade-marks Ordinance (No. 76)," * and "The Patents Ordinance, 1905 (13-1905)," † and this Ordinance may together be cited as "The Patents, Designs, and Trade-marks Ordinances, 1905."

2. Sub-section (2) of section 2 of Ordinance No. 13-1905 is hereby repealed and in lieu thereof shall be read the following:—

(2.) Such application shall be made in the case of a patent within twelve months and in the case of a design or trade-mark within four months from such person applying for protection in the United Kingdom or the foreign State with which the arrangement is in force.

Passed in Council this 4th day of December, in the year of Our Lord 1905.

HARRY L. KNAGGS,

Acting Clerk of the Council.

* Ordinance No. 10 of 1900. See Vol. XCIV, page 282.

† See page 621.

NOTIFICATION by the Government of the Cape of Good Hope, as to the Period of Residence required to enable Aliens to become Naturalized.—Cape Town, July 25, 1905.

Colonial Secretary's Office,

Cape Town, July 25, 1905.

It is hereby notified for general information that his Excellency the Governor, with the advice of the Executive Council, has been pleased to direct that from and after the 1st August, 1905, applicants for Letters of Naturalization under the provisions of Act 2 of 1883,* as amended by Act 35 of 1889,† shall be required to have resided in this Colony for a period of not less than five years before such applications will be entertained, instead of two years as at present.

H. B. SHAW, E,
Acting Under Colonial Secretary.

CONVENTION between Austria and other Powers for the Exemption of Hospital Ships from Harbour Dues and Taxes.—Signed at The Hague, December 21, 1904.‡

[Ratifications exchanged, March 26 and April 10, 1907.]

(See note, page 630, as to ratifications.)

SA Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté l'Empereur de Corée; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne; § le Président des États-Unis d'Amérique; le Président des États-Unis Mexicains; le Président de la République Française; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; § Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; le Président de la République Péruvienne; Sa Majesté Impériale le Schah de Perse; § Sa Majesté le Roi de Portugal et des Algarves, &c.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; § Sa Majesté le Roi de Siam; et le Conseil Fédéral Suisse;

* Vol. LXXV, page 465.

† Vol. LXXXI, page 793.

‡ Guatemala adhered March 21, 1906; and Norway, January 8, 1907.

§ Not ratified by Italy, Persia, Servia, and Spain.

Considérant que la Convention, conclue à la Haye le 29 Juillet, 1899,* pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864,† a consacré le principe de l'intervention de la Croix Rouge dans les guerres navales par des dispositions en faveur des bâtiments hospitaliers ;

Désirant conclure une Convention à l'effet de faciliter par des dispositions nouvelles la mission des dits bâtiments ;

Ont nommé comme Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse : M. de Schlözer, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye :

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie : M. Alexandre Okolicsanyi d'Okolicsna, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté le Roi des Belges : M. le Baron Guillaume, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté l'Empereur de Chine : Hoo Wei-Teh, son Envoyé Extraordinaire et Ministre Plénipotentiaire à St. Pétersbourg ;

Sa Majesté l'Empereur de Corée : Young Chan Min, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi de Danemark : M. W. de Grevenkop Castenskiold, Chargé d'Affaires du Royaume à La Haye ;

Sa Majesté le Roi d'Espagne : M. Arthur de Baguer, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Le Président des États-Unis d'Amérique : M. John W. Garrett, Chargé d'Affaires Intérimaire de la République à La Haye ;

Le Président des États-Unis Mexicains : M. Zenil, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République à Vienne ;

Le Président de la République Française : M. de Monbel, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République à La Haye ;

Sa Majesté le Roi des Hellènes : M. D. G. Métaxas, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté le Roi d'Italie : M. Tugini, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté l'Empereur du Japon : M. Nobukata Mitsubashi, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau : M. le Comte H. de Villers, Chargé d'Affaires du Grand-Duché à Berlin ;

* Vol. XCI, page 1002.

† Vol. LV, page 43.

Son Altesse le Prince de Monténégro : M. N. Tcharykow, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye ;

Sa Majesté la Reine des Pays-Bas : M. le Baron Melvil de Lynden, son Ministre des Affaires Étrangères, et M. T. M. C. Asser, son Ministre d'État, Membre de son Conseil d'État ;

Le Président de la République Péruvienne : M. C. G. Candamo, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République à Paris et à Londres ;

Sa Majesté Impériale le Schah de Perse : Mirza Samad Khan, Montazos Saltaneh, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté le Roi de Portugal et des Algarves, &c. : M. le Comte de Selir, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté le Roi de Roumanie : M. Jean N. Papiniu, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Sa Majesté l'Empereur de Toutes les Russies : M. Martens, son Conseiller Privé, Membre Permanent du Conseil du Ministère Impérial des Affaires Étrangères ;

Sa Majesté le Roi de Serbie : M. M. Vesnitch, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi de Siam : Phya Raja Nupraphandh, son Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye ;

Le Conseil Fédéral Suisse : M. G. Carlin, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération à La Haye ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :—

ART. I. Les bâtiments hospitaliers, à l'égard desquels se trouvent remplies les conditions prescrites dans les Articles I, II, et III de la Convention, conclue à La Haye le 29 Juillet, 1899, pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864, seront exemptés, en temps de guerre, dans les ports des Parties Contractantes, de tous droits et taxes imposés aux navires au profit de l'État.

II. La disposition de l'Article précédent n'empêche pas l'application, au moyen de la visite et d'autres formalités, des lois fiscales ou autres lois en vigueur dans ces ports.

III. La règle contenue dans l'Article premier n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

La dite règle cessera d'être obligatoire du moment où, dans une guerre entre des Puissances Contractantes, une Puissance non-contractante se joindrait à l'un des belligérants.

IV. La présente Convention, qui, portant la date de ce jour, pourra être signée jusqu'au 1^{er} Octobre, 1905, par les Puissances qui en auraient manifesté le désir, sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye. Il sera dressé du dépôt des ratifications un procès-verbal, dont une copie, certifiée conforme, sera remise après chaque dépôt par la voie diplomatique à toutes les Puissances Contractantes.

V. Les Puissances non signataires sont admises à adhérer à la présente Convention après le 1^{er} Octobre, 1905.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

VI. S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes. Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue des leurs cachets.

Fait à La Haye, le 21 Décembre, 1904, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

(L.S.) VON SCHLÖZER.

{ Sous réserve de la
déclaration faite
dans la séance de
la Conférence du
21 Décembre, 1904.

(L.S.) OKOLICSANYI D'OKOLICSNA.

(L.S.) GUILLAUME.

(L.S.) HOO WEI-TEH.

(L.S.) YOUNG CHAN MIN.

(L.S.) W. GREVENKOP CASTENSKIOLD.

(L.S.) A. DE BAGUER.

(L.S.) JOHN W. GARRETT.

(L.S.) J. ZENIL.

(L.S.) MONBEL.

(L.S.) D. G. MÉTAXAS.

(L.S.) TUGINI.

(L.S.) NOBUKATA MITSUHASHI.

(L.S.) C^{TE}. DE VILLERS.

(L.S.) N. TCHARYKOW.

(L.S.) B^N. MELVIL DE LYNDEN.

(L.S.) T. M. C. ASSER.

(L.S.) C. G. CANDAMO.

(L.S.) M. SAMAD.

(L.S.) CONDE DE SELIR.

(L.S.) J. N. PAPINIU. { Sous réserve de la ré-
ciprocité et des taxes
de pilotage.

(L.S.) MARTENS.

(L.S.) MIL. R. VESNITCH.

(L.S.) RAJA NUPRAPHANDH.

(L.S.) CARLIN.

ACTE FINAL.

Au moment de procéder à la signature de la Convention ayant pour but d'exempter les bâtiments hospitaliers, en temps de guerre, dans les ports des Parties Contractantes de tous droits et taxes imposés aux navires au profit de l'État, les Plénipotentiaires signataires du présent Acte émettent le vœu, qu'en vue de la mission hautement humanitaire de ces navires, les Gouvernements Contractants prennent les mesures nécessaires afin d'exempter, dans un bref délai, ces navires également du paiement des droits et taxes prélevés dans leurs ports au profit d'autres que l'État, notamment de ceux qui sont perçus au profit des communes, des compagnies privées ou des particuliers.

En foi de quoi les Plénipotentiaires ont signé le présent procès-verbal, qui, portant la date de ce jour, pourra être signé jusqu'au 1^{er} Octobre, 1905.

Fait à La Haye, le 21 Décembre, 1904, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances signataires de la Convention précitée.

Le Plénipotentiaire de Sa Majesté l'Empereur de l'Allemagne, Roi de Prusse :

v. SCHLÖZER.

Le Plénipotentiaire de Sa Majesté Impériale et Royale Apostolique :

OKOLICSANYI D'OKOLICSNA.

Le Plénipotentiaire de Sa Majesté le Roi des Belges :

GUILLAUME.

Le Plénipotentiaire de Sa Majesté l'Empereur de Chine :

HOO WEI-TEH.

- Le Plénipotentiaire de Sa Majesté l'Empereur de Corée :
Y. C. MIN.
- Le Plénipotentiaire de Sa Majesté le Roi de Danemark :
W. GREVENKOP CASTENSKIOLD.
- Le Plénipotentiaire de Sa Majesté le Roi d'Espagne :
A. DE BAGUER.
- Le Plénipotentiaire des États-Unis d'Amérique :
JOHN W. GARRETT.
- Le Plénipotentiaire des États-Unis Mexicains :
J. ZENIL.
- Le Plénipotentiaire de la République Française :
MONBEL.
- Le Plénipotentiaire de Sa Majesté le Roi des Hellènes :
D. G. MÉTAXAS.
- Le Plénipotentiaire de Sa Majesté le Roi d'Italie :
TUGINI.
- Le Plénipotentiaire de Sa Majesté l'Empereur du Japon :
NOBUKATA MITSUHASHI.
- Le Plénipotentiaire de Son Altesse Royale le Grand-Duc
de Luxembourg, Duc de Nassau :
C^{TE}, DE VILLERS.
- Le Plénipotentiaire de Son Altesse le Prince de Monté-
négro :
N. TCHARYKOW.
- Le Plénipotentiaire de Sa Majesté la Reine des Pays-Bas :
T. M. C. ASSER.
- Le Plénipotentiaire de la République Péruvienne :
C. G. CANDAMO.
- Le Plénipotentiaire de Sa Majesté Impériale le Schah de
Perse :
M. SAMAD.
- Le Plénipotentiaire de Sa Majesté le Roi de Portugal et
des Algarves, &c. :
CONDE DE SELIR.
- Le Plénipotentiaire de Sa Majesté le Roi de Roumanie :
J. N. PAPINIU.
- Le Plénipotentiaire de Sa Majesté l'Empereur de Toutes
les Russies :
MARTENS.
- Le Plénipotentiaire de Sa Majesté le Roi de Serbie :
VESNITCH.
- Le Plénipotentiaire de Sa Majesté le Roi de Siam :
RAJA NUPRAPHANDH.
- Le Plénipotentiaire de la Confédération Suisse :
CARLIN.
-

The following countries have ratified the above Convention:—

On the 26th March, 1907—

Austria-Hungary.

Belgium.

China.

Corea.

Denmark.

Germany.

Greece.

Japan.

Luxembourg.

Mexico.

Montenegro.

The Netherlands.

Peru.

Portugal.

Roumania.

Russia.

Siam.

Switzerland.

United States of America.

On the 10th April, 1907—

France.

*NOTICE issued by the Danish Government to Mariners
frequenting the Davis Strait.—Copenhagen, March 8, 1905.*

(Translation*.)

THE Board of the Royal Greenland Company make known:—

1. By Treaties made between the Royal Danish Government and the United States of America, Great Britain, and other States, it is recognized that the Danish Colonies, with all coasts and islands belonging thereto, on the west coast of Greenland, which Colonies presently extend from 60° to 74° 30' N. latitude, are closed to navigation to foreign vessels (as well as to Danish vessels) unless special permission has been obtained from the Danish Government holding the monopoly of trade in Greenland.

2. According to Danish law, any vessel sailing on the west coast of Greenland without leave shall be liable to be seized, wherever met with, and the vessel and cargo to be forfeited. Similar punishment may be applied where any person is found trading with Greenlanders or Danish colonists from any vessel lying in any port of Greenland or off the said coast.

* As published by the Danish Government.

3. Any shipmaster compelled by shipwreck or other similar cause to seek refuge in any port of Greenland shall only remain in port so long as is absolutely necessary, and shall obey any order given him by the local authorities.

At the same time the shipmaster shall further be held liable if any of his crew without necessity should remain on shore at places that are permanently or temporarily inhabited, or if they carry on any trade with the natives, or if they hold any intercourse whatever with the native population.

4. Watering without special leave in Greenland ports on the aforesaid coasts and islands by vessels, including whalers, whether Danish or foreign, shall only take place at the colony of Holstensborg in South Greenland and at the colony of Upernivik and the settlement of Godhavn in North Greenland, and is subject to the following conditions :—

(1.) That any shipmaster when proceeding on his voyage to Greenland shall be provided with a bill of health from the local authorities of the port of departure, the said bill of health to contain a statement not only as regards the general state of health at the port of departure, but also as regards the health of each separate person on board, proved by a medical examination of the whole crew (especially as regards venereal and other contagious diseases). The said bill of health must be *visé* by the Royal Danish Consul or Vice-Consul (if any) at the port of departure.

(2.) On arrival of the vessel at any of the aforesaid watering places, whichever is first, the said bill of health shall be delivered by the shipmaster to the Superintendent of the Colony, together with a *bonâ fide* declaration signed by the shipmaster to the effect that since the day of departure of the vessel from the port where she received her bill of health to the best of his knowledge no case of any contagious disease has occurred on board, nor any case of venereal disease has occurred among his crew. If the vessel carries a surgeon, a certificate from this officer in lieu of the said declaration may be delivered.

(3.) The Superintendent of the Colony receiving the said declaration or medical certificate shall give the shipmaster a certificate acknowledging the receipt, which shall be produced as legitimation by the said shipmaster before any other Greenland authority he may have to deal with on the same voyage.

(4.) If there be any contagious disease on board any vessel, the Greenland authorities shall take all necessary measures to prevent the disease from spreading among the native population, and may order the vessel to proceed to another watering place. The shipmaster shall at once obey all orders given him by the said authorities (see clause 3).

5. In order to avoid the spreading of any disease it shall be prohibited to dispose of or sell any used wearing apparel, used bed-clothes and similar things to the native population of Greenland or to the Danish colonists.

6. The prohibition against navigating on the west coast of Greenland and the monopoly of trade purport to protect the native population of Greenland which will be threatened with ruin in case contagious diseases should spread among them or in case it should be permitted to import alcoholic drinks or other similar goods.

The foregoing orders and regulations of the Board are conclusive upon all vessels navigating on the west coast of Greenland and watering, &c., in the aforesaid ports.

Copenhagen, March 8, 1905.

*CONVENTION between France and Spain for the Establishment of New Lines of Railways across the Pyrenees.—Signed at Paris, August 18, 1904.**

[Ratifications exchanged at Paris, January 28, 1907.]

Convention.

LE Président de la République Française et Sa Majesté le Roi d'Espagne, désirant déterminer, d'un commun accord, les nouvelles communications par voies ferrées à établir entre les deux pays à travers les Pyrénées, et arrêter les conditions générales d'exécution et raccordement à la frontière des lignes à construire, ont résolu de conclure, à cet effet, une Convention, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, son Excellence M. Th. Delcassé, Député, Ministre des Affaires Étrangères de la République Française, &c.; et

Sa Majesté le Roi d'Espagne, son Excellence M. de Léon y Castillo, Marquis del Muni, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Espagne près le Président de la République Française, &c.;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivantes:—

ART. I. Il sera construit trois lignes internationales qui traverseront, respectivement, la frontière Franco-Espagnole aux environs de Puigcerda et de Bourg-Madame, et près des ports du Somport et de Salau.

* "Journal Officiel," February 15, 1907.

La première partira d'Aix-les-Thermes (Ariège), traversera en tunnel le col de Puymorens, coupera la frontière aux environs de Puigcerda et de Bourg-Madame, franchira en tunnel le col de Tosas et s'embranchera à Ripoll sur le chemin de fer de Granollers à San Juan-de-las-Abadesas.

La seconde partira d'Oloron (Basses Pyrénées), remontera la Vallée d'Aspe, franchira en tunnel le Somport, pénétrera dans la Vallée du Rio-Aragon, puis passera dans celle du Gallego et s'embranchera à Zuéra sur la ligne du Saragosse à Barcelone.

La troisième partira de Saint-Girons (Ariège), remontera la Vallée du Salat, franchira en tunnel le col de Salau, pénétrera en Espagne par la Vallée du Noguera-Pallaresa et s'y embranchera, à Sort, sur la ligne projetée de Lérida à la frontière.

II. Les deux Gouvernements s'engagent à exécuter chacune des trois lignes susdites le plus rapidement possible, et, en tous cas, dans un délai maximum de dix années.

Pour chacune des deux premières, qui doivent s'embrancher, en Espagne, sur les lignes déjà actuellement ouvertes à l'exploitation, ce délai courra du jour de l'échange des ratifications de la présente Convention.

Pour la troisième, qui doit s'embrancher, en Espagne, sur la ligne non encore exécutée de Lérida à la frontière par la Vallée du Noguera-Pallaresa, ce délai courra du jour de la notification par le Gouvernement Espagnol au Gouvernement Français de l'achèvement de la section de Lérida à Sort de la dite ligne.*

III. Sur les trois lignes internationales la traction se fera soit à la vapeur, soit à l'électricité, par adhérence ou par tout autre moyen agréé par les deux Gouvernements, le mode de traction pouvant d'ailleurs varier, sur chaque ligne, suivant les sections.

Le matériel de traction seul y pourra être de types spéciaux ; les autres véhicules devront, dans chacun des deux pays, être des types en usage sur l'ensemble des voies ferrées à largeur normale du dit pays.

Les déclivités ne devront pas dépasser : pour le cas de la traction à vapeur par adhérence, 33 millimètres par mètre, et pour celui de la traction électrique par adhérence, 43 millimètres par mètre.

Dans les tunnels internationaux du Somport et de Salau, où la traction s'effectuera par électricité, les déclivités ne devront pas dépasser 34 millimètres par mètre.

Dans le cas de la traction par adhérence, les rayons des courbes ne devront pas être inférieurs, savoir :—

Sur les sections à traction à vapeur, à 300 mètres pour la voie Espagnole et 260 mètres pour la voie Française.

Et sur les sections à traction électrique, à 230 mètres pour la voie Espagnole et 200 mètres pour la voie Française.

* See Protocol of March 8, 1905, page 637.

Toutefois, ces rayons minima pourront être abaissés en cas de difficultés exceptionnelles de construction, pour lesquelles il sera statué par les deux Gouvernements.

Pour le cas de la traction par tout autre moyen que l'adhérence, il sera statué, d'accord entre les deux Gouvernements, sur les limites à admettre pour les déclivités et pour les rayons des courbes.

IV. Le tunnel international du Somport partira, en France, des Forges d'Abel, à une cote qui ne sera pas inférieure à 1,064 mètres et aboutira aux Arañones, en Espagne, à la cote invariable 1,195 mètres 50 millim. Il sera à deux pentes de longueur sensiblement égales. Il donnera passage à une voie Espagnole unique. La force hydraulique à provenir du Lac d'Estaes sera, dans les conditions que fixeront de concert les deux Gouvernements, utilisée sur les deux versants pour le percement du tunnel.

Le tunnel international du col de Salau partira, en France, du Jeu-du-Mail, et aboutira, en Espagne, près d'Isil. Il sera à deux pentes de longueurs aussi égales que possible. Il donnera passage à une voie Française unique.

Les deux Gouvernements arrêteront, d'un commun accord, le tracé, le profil et, d'une manière générale, les dispositions techniques des deux tunnels internationaux.

Chacun de ces tunnels, superstructure comprise, sera exécuté par les soins et provisoirement aux frais du Gouvernement Français dans la partie comprise entre la tête Française et le point culminant du profil en long; par les soins et provisoirement aux frais du Gouvernement Espagnol entre ce point culminant et la tête Espagnole.

Chacun des deux Gouvernements arrêtera souverainement, sans intervention de l'autre, le compte général des dépenses relatives aux travaux exécutés par ses soins.

Il serait fait, ensuite, masse de ces deux comptes, pour la moitié du total être supportée définitivement par chacun des deux Gouvernements.

V. Il sera établi sur la ligne d'Aix à Ripoll deux gares internationales, situées l'une en France, l'autre en Espagne, et reliées entre elles par deux voies, l'une Française, l'autre Espagnole.

Il sera établi une seule gare internationale sur chacune des deux autres lignes: celle de la ligne du Somport sera située sur le territoire Français, aux Forges d'Abel; celle de la ligne du col de Salau sur le territoire Espagnol, en un point qui sera déterminé d'accord entre les deux Gouvernements.

La voie Espagnole traversant le tunnel du Somport sera prolongée jusqu'à la gare internationale située sur le territoire Français. La voie Française traversant le tunnel du col de Salau sera prolongée jusqu'à la gare internationale située sur le territoire Espagnol.

Les projets de chacune de ces quatre gares et des voies reliant entre elles les deux gares internationales de la ligne d'Aix-les-Thermes à Ripoll, et, respectivement, aux souterrains de faite celles des lignes du Somport et du col de Salau, seront arrêtés d'un commun accord par les deux Gouvernements. Dans les gares internationales du Somport et du col de Salau, chacun des deux pays disposera des installations nécessaires pour l'exploitation et la surveillance du chemin de fer et pour le service des douanes.

Tous ces travaux seront exécutés par les soins et provisoirement aux frais du Gouvernement sur le territoire duquel ils seront situés; chacun des deux Gouvernements arrêtera souverainement, sans intervention de l'autre, le compte général des dépenses relatives aux travaux exécutés par ses soins.

Il sera fait ensuite masse de ces deux comptes, pour la moitié du total être supportée par chacun des deux Gouvernements.

VI. Les deux Gouvernements supporteront par moitié des frais d'entretien des ouvrages établis à leurs frais communs en vertu des Article IV et V ci-dessus.

VII. La Commission Internationale se réunira toutes les fois que l'un des deux Gouvernements le jugera nécessaire, et au moins une fois par an, au mois de Mai, pour contrôler l'exécution des clauses de la présente Convention, étudier tous les autres points de sa compétence, et, notamment, veiller à ce que la construction des trois lignes soit achevée dans les délais stipulés à l'Article II ci-dessus.

VIII. En vue d'assurer la marche normale des travaux les deux Gouvernements suivront, en ce qui concerne tant l'ordre et les délais à observer pour l'exécution des lignes que l'apurement des comptes des ouvrages à établir à frais commun, les dispositions générales stipulées dans le Règlement d'exécution ci-annexé.

Ce Règlement, devant former partie intégrante de la présente Convention, aura la même vigueur que s'il s'y trouvait littéralement inséré.

IX. La présente Convention annule et remplace celle signée à Madrid le 13 Février, 1885, et non ratifiée.

X. La présente Convention sera ratifiée, et les ratifications en seront échangées après approbation par les Chambres Législatives en France et en Espagne, auxquelles elle sera présentée au cours de leur plus prochaine Session.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait en double exemplaire, à Paris, le 18 Août, 1904.

(L.S.) DELCASSÉ.

(L.S.) F. DE LÉON Y CASTILLO.

Règlement d'exécution prévu à l'Article VIII de la Convention.

1. Dans le délai maximum de cinq années à compter de l'échange des ratifications de la Convention, la ligne du Somport sera prolongée, en Espagne, jusqu'à Villanua, et l'on terminera, en France, la section d'Oloron à Bedous.

Le plus tôt possible, et au plus tard dès l'achèvement des dites sections, les travaux du tunnel de faite et de ses raccordements avec Villanua d'une part et Bedous de l'autre, ainsi que ceux de la ligne de Zuéra à Turuñana (Atalaya), devront être entrepris, puis poursuivis assez activement pour être entièrement terminés avant l'expiration du délai de dix ans stipulé à l'Article II de la Convention pour l'exécution de la ligne d'Oloron à Zuéra ;

2. Les opérations topographiques et les autres travaux techniques relatifs aux projets des tunnels internationaux et des gares internationales seront effectués d'un commun accord par les ingénieurs des deux Gouvernements et soumis à la Commission Internationale, qui devra, lorsqu'il y aura lieu, les présenter à l'approbation des deux Gouvernements.

Les ingénieurs des deux pays dirigeront respectivement, après adjudication simultanée des travaux en France et en Espagne, la construction de la partie du tunnel du Somport comprise entre la tête située dans leur pays et le point culminant du profil en long. Ils vérifieront périodiquement, ensemble, l'alignement et les pentes des parties construites et en construction sur les deux versants du tunnel. Il sera procédé de même à l'égard du tunnel du col de Salau ;

3. Les comptes généraux de dépenses prévus aux Articles IV et V de la Convention comprendront : les frais exposés à partir de la ratification de la Convention pour l'étude des ouvrages auxquels s'appliquent ces comptes ; les dépenses proprement dites des travaux, qu'il s'agisse de celles prévues aux marchés d'entreprise ou des augmentations survenues en cours d'exécution, ou, encore, de celles effectuées directement en régie ; les frais de surveillance ; les indemnités à payer soit aux entrepreneurs, soit à des tiers ; les frais de procédure, et, en général, les dépenses de toute nature se rattachant à l'exécution des dits travaux, à la seule exception des traitements et indemnités des ingénieurs et agents faisant partie du cadre permanent des travaux publics des deux pays, traitements et indemnités qui seront à la charge de leurs Gouvernements respectifs ;

4. Le présent Règlement d'exécution annule et remplace celui signé à Madrid, le 13 Février, 1885, et non ratifié.

Fait à Paris, en double exemplaire, le 18 Août, 1904.

(L.S.) DELCASSE.

(L.S.) F. DE LÉON Y CASTILLO

PROTOCOL additional to the Convention between France and Spain of the 18th August, 1904, relating to Railway Communications across the Pyrenees.—Signed at Paris, March 8, 1905.

[Ratifications exchanged at Paris, January 28, 1907.]

LE Gouvernement de la République Française et le Gouvernement de Sa Majesté le Roi d'Espagne se sont mis d'accord pour compléter et rédiger ainsi qu'il suit le paragraphe 3 de l'Article II de la Convention du 18 Août, 1904* :—

“ Pour la troisième, qui doit s'embrancher en Espagne, sur la ligne non encore exécutée de Lérida à la frontière par la Vallée du Noguera-Pallaresa, ce délai courra du jour de la notification par le Gouvernement Espagnol au Gouvernement Français de l'achèvement de la section de Lérida à Sort de la dite ligne, notification qui devra avoir lieu dans un délai maximum de dix ans.”

En foi de quoi les Soussignés, dûment autorisés par leurs Gouvernements, ont signé le présent Protocole et l'ont revêtu de leurs cachets.

Fait en double exemplaire, le 8 Mars, 1905.

(L.S.) DELCASSÉ.

(L.S.) F. DE LÉON Y CASTILLO.

BRITISH CIRCULAR notifying the Accession of the German Netherland Telegraph Company to the International Telegraph Convention of 1875.†—London, May 31, 1905.

ARTICLE XVIII of the International Telegraph Convention requires that adhesions to that Convention should be notified to the Signatory Powers by the country in which the last Conference was held; and this duty, therefore, at present devolves upon Great Britain.

I have consequently to request you to inform the Government, with reference to Articles XVIII and XIX of the Convention, and Article 87 (2) of the International Service Regulations (London Revision, 1903), that the German Netherland Telegraph Company has declared its adhesion to the Inter-

* See page 632.

† Vol. LXVI, page 19.

national Telegraph Convention of St. Petersburg of the 10th (22nd) July, 1875.

Foreign Office, May 31, 1905.

BRITISH CIRCULAR notifying the Accession of the East European Telegraph Company, of Cologne, to the International Telegraph Convention of 1875.—London, July 24, 1905.*

ARTICLE XVIII of the International Telegraph Convention of 1875 requires that accessions to that Convention should be notified to the Signatory Powers by the country in which the last Conference was held; and this duty, therefore, at present devolves upon Great Britain.

I have consequently to request you to inform the Government, with reference to Articles XVIII and XIX of the Convention, and Article 87 (2) of the International Service Regulations (London Revision, 1903) that the East European Telegraph Company, of Cologne, who are now laying a cable from Constantza to Kilios (near Constantinople), have declared their accession to the International Telegraph Convention of St. Petersburg of the 10th (22nd) July, 1875.

Foreign Office, July 24, 1905.

GERMAN IMPERIAL MINING ORDINANCE for German South-West Africa.—Posen, August 8, 1905.

(Translation.)

WE, William, by the grace of God German Emperor, King of Prussia, &c., do order for the South-West African Protectorate on the basis of §§ 1, 3, 6, No. 1 of the Protectorate Law ("Reichsgesetzblatt," 1900, p. 813) in the name of the Empire, as follows:

I.—GENERAL REGULATIONS.

Minerals excluded from the right of disposal of the Land-owner.

§ 1. The minerals hereinafter designated are excluded from the right of disposal of the land-owner. They may only be sought for and extracted in accordance with the regulations prescribed by this Ordinance.

* Vol. LXVI, page 19.

I. *Precious Minerals.*

- (1.) Precious metals (gold, silver, and platinum), native, and as ores;
- (2.) Precious stones.

II. *Common Minerals.*

- (1.) All metals not named above, native, and as ores:
- (2.) Mica and semi-precious stones.
- (3.) Coal, salt, and useful earths, viz.:—
 - (a.) Pit coal, brown coal, and graphite;
 - (b.) Bitumen—in a solid, liquid, and gaseous state—especially petroleum and asphalt;
 - (c.) Rock salt, including those salts opening up in the same bed, and the brine springs;
 - (d.) Earths on account of their containing sulphur, or which are available for the production of alum, vitriol, and saltpetre.

The extraction of cooking salt out of the so-called salt-pan is not subject to this Ordinance.

*Mining Operations on behalf of the Exchequer.**Admission of Natives to Mining Operations.*

§ 2. The seeking and acquiring of minerals on account of the Imperial or local exchequer is subject to the Regulations of this Ordinance.

Natives and other coloured persons can only obtain the right of seeking and acquiring minerals so far as they are authorized so to do by the Imperial Chancellor, or, with his consent, by the Governor. Contracts which run contrary to this Regulation are legally inoperative (“*rechtsunwirksam*.”)

Appointment of Representatives in the Protectorate.

§ 3. For all judicial and non-judicial matters regarding mineral prospecting (“*Schürfen*”) (§ 10) and mining (§ 36) persons not having their domicile or permanent residence in the Protectorate, as well as companies which have no branch establishment there in the sense of §§ 17, 21 of the civil process Ordinance, must judicially or notarially appoint a permanent resident representative and designate the same to the mining authorities. The Governor is authorized to declare the domicile, residence, or establishment in such part of the Protectorate as is especially difficult to be reached from the seat of the mining authorities, as equivalent to a domicile, residence, or establishment outside of the Protectorate.

Until the obligation designated in the first paragraph is complied with, the Governor is authorized to appoint a representative at the expense of the party under the obligation.

Natives and other coloured persons may only be appointed as representatives with the consent of the mining authorities.

Appeal against the Decisions of the Administrative Authorities.

§ 4. Appeal may be made against the decisions rendered by the administrative authorities in the execution of this Ordinance, unless the same has been declared excluded. The prescriptions relative to appeals against police orders, of §§ 16 to 21 of the Imperial Ordinance of the 14th July, 1905, referring to the powers of compulsion and punishment possessed by the executive authorities in the African and South Sea Protectorates, are applicable to the appeal proceedings, so far as a different course is not prescribed by this Ordinance, with the modification that the period for filing the appeal, apart from the exceptional cases provided for in the present Ordinance, is three months, and for further appeals four weeks.

Legal Proceedings against Decisions of the Executive authorities.

§ 5. Besides the appeal (§ 4), recourse to legal proceedings is admissible against the decisions rendered on private legal claims by the executive authorities in the execution of this Ordinance, in so far as it is not expressly excluded. So far, therefore, as the course of law allows, there arises out of the said decisions upon the application of the party entitled thereto and at his risk, a preliminary compulsory execution through the Court which, according to § 764, section (2), of the civil suit procedure, is competent. The execution depends upon whether the entitled party proves the deposit of a suitable security to make good the damages resulting to the other party through the execution.

The petitioner is also bound, without incurring blame, to make reparation of damages beyond the amount of the security furnished.

The liability ("Haftung") of the security expires after the lapse of two years from the time when it was furnished, recourse to law not having been had in the meantime.

Apart from the foregoing cases, the decisions and other dispositions made by the executive authorities contemplated in this Ordinance may be executed ("vollstreckbar") under the authority of the prescriptions generally in force for the execution of orders of the executive authorities in the South-West African Protectorate.

Competence of the Courts.

§ 6. Where, upon the basis of this Ordinance, a legal process is set up, the District Court in whose district the prospecting or mining field lies, is exclusively competent.

If the field lies in the districts of several Courts, then the official empowered with the exercise of jurisdiction in the second instance determines which of those Courts is exclusively competent.

Examination of Witnesses and Experts.

§ 7. It is left to the executive authorities, before the execution of decisions arising out of this Ordinance, to hear witnesses and experts. The regulations of the civil suit procedure ("Zivilprozessordnung") regarding proof by witnesses and experts are applicable for the processes of summoning and examination.

Legal Assistance.

§ 8. The regulations respecting legal assistance under § 30 of the Imperial Ordinance regarding the compulsory and penal powers of the executive authorities of the Protectorates of Africa and the South Sea of the 14th July, 1905, are applicable to the procedure of the executive authorities.

Notices.

§ 9. The public notices of the executive authorities prescribed in this Ordinance are made in the locally customary manner, in any case by displaying on the official notice-board of the deciding authority. The notice must be considered effected as from the first display which, however, may be verified.

As regards notices to particular individuals, the regulations relating to notices under § 29 of the Imperial Ordinance regarding the compulsory and penal powers of the executive authorities in the Protectorates of Africa and the South Sea of the 14th July, 1905, regarding notices, are applicable.

II.—PROSPECTING.

(a.) *In General.**General Liberty to Prospect.*

§ 10. All persons are allowed to prospect and search for the minerals designated in § 1 in their natural deposits.

Prohibition of Prospecting for Minerals in certain places.

§ 11. Prospecting may not be carried out on public roads, public places, and railroads, nor in burial-grounds.

Prospecting is unlawful on other plots of land so far as, according to the decision of the mining authorities, weighty reasons in the public interest are opposed thereto. The mining authorities also decide within what distance from wells and other water places prospecting is unlawful.

Beneath buildings, and within a distance of 50 metres from the same, as well as in gardens and inclosed court-yards, prospecting work may not be carried on, unless the occupiers and the land-owner have given their express consent.

Prospecting work on Land or Property belonging to others.

§ 12. The prospector may demand the lease of the requisite land for building purposes, roads, places for heaps, unloading and locating places and pasture ground, as well as the use of the water and wood found thereon, in so far as the same is necessary for the work of prospecting. Pasture land, water, and wood, however, may be demanded only so far as they can be used without essential damage to the economic working of the property. The prospector, when viewing an occupied plot of land, must put himself in communication with the occupier, or his representative, for the purpose of making an agreement for the lease thereof.

The use of land on which farm buildings and dwelling-houses are built, and the gardens in connection therewith, cannot be demanded by the prospector.

Compensation for Deprivation or restricted use.

§ 13. The prospector is bound to pay monthly in advance a full compensation to the occupier of the ground for the deprivation or restricted use, and to redeliver the plot of ground after he has completed his operations.

Compensation for Depreciation in Value.

§ 14. If a depreciation in the value of the ground or the buildings thereon takes place, the prospector, on giving up the plot of ground, must make good the depreciation. In order that this obligation may be discharged the land-owner and the tenant may demand a suitable security to be deposited at the time the lease is granted.

Obligation of the Prospector as regards the Acquisition of Land.

§ 15. When it is certain that the use of the land will last longer than three years, or when the use of the same continues after the lapse of three years, then the land-owner may demand that the prospector purchase the land and premises.

§ 16. If the use extends to only a part of the plot of ground, then in the circumstances referred to in § 15, the purchase of such part only can be required, unless the remaining part of the land could no longer be serviceably used.

Right of Pre-emption of the Land-owner.

§ 17. The right of pre-emption in respect of all land sold for prospecting purposes, if in the end the plot of ground is useless for mining purposes, is possessed by the party who may be at the time the owner of the piece of land reduced in size by the original sale.

Disputes between the Prospector and Land-owner.

§ 18. If the prospector and the party who, as far as he is concerned, is entitled to the land cannot agree as regards the prescriptions of §§ 12 to 16, the mining authorities, after hearing both sides, shall decide as to whether, to what extent, and under what conditions the prospecting work may be undertaken, and whether the prospector is bound to pay compensation or to purchase the property. As regards the obligation for the lease of the land, recourse to law only takes place if release from such obligation is claimed on the basis of § 11, sections 1 to 3, or on a special legal title.

The mining authorities may only forbid prospecting work in the cases mentioned in § 11. They determine, in default of an agreement between the parties, the amount of damages and security.

Prospecting on Native Lands.

§ 19. Whether, to what extent, and under what conditions prospecting is lawful on native lands is decided, irrespective of the claims for damages, by the district judiciary ("Amtmann").

Compensation for Damages for Injuries to Plots of Land.

§ 20. The prospector is bound to pay damages for injuries to a plot of land or its buildings resulting from prospecting operations.

The prospector is not bound to pay damages for injuries resulting

to buildings or other offices through prospecting if such buildings were erected at a time when the danger threatened by the prospecting work must have been foreseen if ordinary attention had been exercised.

If the erection of such buildings is prevented on account of such danger, the claim for compensation for depreciation of value which has thereby resulted to the plot of land fails if it is shown by the facts that the intention to erect such buildings is only declared in order to obtain compensation.

Limitation.

§ 21. Claims for compensation for injury sustained through prospecting operations (§ 20) which are not based on a contract, expire in three years from the time when the injured party became aware of the damage and of the personality of the party liable to make compensation, or, irrespective of this knowledge, in thirty years from the time when the injury was committed.

Prospector's Right of Disposal of Minerals obtained by prospecting.

§ 22. Except with the consent of the mining authorities, the prospector may dispose of the minerals (§ 1) obtained by his prospecting, for tests, experimental or scientific purposes only, or for the purposes of his own prospecting work.

The mining authorities may, irrespective of the penalties provided in § 91, No. 1, demand from any person who contravenes the rule laid down in section 1, the repayment of the value of the minerals of which he has unlawfully disposed.

(b.) Prospecting Areas.

Reservation of Prospecting Fields.

§ 23. Any prospector may, according to the following regulations, reserve one or more prospecting fields, either as prospecting areas for precious minerals or as ordinary prospecting fields.

By such reservation the prospector excludes any third party (excepting rights already acquired) from prospecting in a precious-mineral prospecting field, and from mining any of the minerals designated in § 1; in a common prospecting field from prospecting and from mining the minerals designated in § 1, II. (Closing the prospecting field.)

A prospecting field shall have (conditionally with possible exceptions as regards the rights of third parties), in horizontal direction, the form of a rectangle. The side lines of a precious-mineral

prospecting field shall not exceed 400 by 200 metres, a common prospecting field 1,200 by 600 metres.

§ 24. The claim must be made in such a manner that a clearly recognizable sign be put up and kept in a conspicuous place, if possible in the middle of the prospecting field. Upon the sign are to be given in durable characters—

- (1.) The name of the prospector ;
- (2.) The kind of prospecting field (precious-mineral prospecting field or common prospecting field) ;
- (3.) The day and the hour of the erection of the sign ;
- (4.) A serial number for the purpose of distinguishing between several prospecting fields reserved by the same prospector in the same district.

On both sides of the sign must be drawn straight furrows at least 2 metres in length, which designate the direction of the longitudinal sides of the prospecting field. If the sign is not erected in the centre of the prospecting field, the position of the sign in relation to the corners and the centre of the prospecting field is to be indicated.

The Governor may issue other regulations relative to the form and nature of the sign.

The erection of prospecting signs may only be carried out between sunrise and sunset.

§ 25. If the sign does not correspond with the requirements defined in the first paragraph of § 24, or is not in accordance with the requirements to be made by the Governor, third paragraph of § 24, the reservation of the prospecting field does not take place.

Prospecting Field Boundaries.

§ 26. Within two weeks after the reservation of the prospecting field the positions of its corners must be defined by clearly visible posts or stone blocks, at least 1 metre in height, on which the particulars prescribed in the first paragraph of § 24, or those to be prescribed by the Governor under the third paragraph of § 24, must be noted. If the corner-points are inaccessible, their position must be indicated in some other manner, but so that they may be seen without difficulty at a distance.

If the stipulation under paragraph 1 is not complied with, then the reservation of the prospecting field comes to an end. The same consequence results if the prescribed size of the field be exceeded, or if there is an essential difference from the prescribed form.

Prospecting Field Fee.

§ 27. For each precious-mineral prospecting field a prospecting-field fee of 10 marks per month, and for each common prospecting

field a fee of 5 marks per month must be paid in advance, viz., from the first day of the month in which the reservation of the prospecting field takes place to the last day of the month in which the application is made to the competent authorities (§ 37) for the conversion of the prospecting field, or in which the conversion is carried out by the mining authorities (§ 38) or in which the closing of the prospecting field ceases.

The fee is to be paid to the mining authorities, or to some other authority designated by the Governor, for a minimum period of six months, the first payment to be made on the day on which the reservation of the prospecting field is notified (§ 28), and subsequently on the first of each calendar month. If it is not paid on the day when due, the prospecting field ceases to be reserved.

Notification.

§ 28. When a prospecting field is reserved, notification must be immediately given to the mining authorities in writing or by registration. The Governor may prescribe that the notification is to be made to some other authority.

The notification must contain—

- (1.) The name, profession, and residence of the prospector ;
- (2.) The district in which the prospecting field is located ;
- (3.) The kind of prospecting field (precious-mineral prospecting field or common prospecting field) ;
- (4.) The day and the hour of the erection of the sign :
- (5.) The most exact description possible of the position and extent of the prospecting field, giving its number and accompanying it by a sketch showing its boundaries, its size, the objects present on the land (visible above ground), as well as its northerly direction, in such a manner that the prospecting field can thereby be ascertained on the ground.

The Governor may prescribe that the notification must contain still further details or is to be made in some other definite form.

If any of the requisite details are omitted in the notification, the authorities (paragraph 1) may fix a time for its completion.

§ 29. If the notification is not sent in to the authorities within four weeks of the reservation of the prospecting field, or, in the case of a term of grace being set within such term, the prospecting field ceases to be closed.

Transferability of Prospecting Rights.

§ 30. For the transfer of the rights over a prospecting field the agreement of the buyer and seller are requisite and sufficient.

The declarations must be made in writing or in the form of a protocol before a public authority of the Protectorate. The transfer cannot take place subject to conditions or time limit. The transfer is to be notified to the mining authorities. Up to the time of receipt of the notification the party entered in the prospecting register may be treated by the mining authorities as the party entitled and bound in regard to the prospecting field.

Upon application, a certificate of the transfer will be furnished on the payment of a fee of 10 marks.

Relinquishment of Rights of the Prospecting Field.

§ 31. The right to the prospecting field can be given up by the prospector by giving notice in writing of the renunciation to the mining authorities, or in the form of a protocol. On the receipt of the notification, the prospecting field ceases to be closed.

Obligation to show the neighbouring Prospector the Boundaries.

§ 32. A prospector is bound to show to each neighbouring prospector, on demand, the boundaries of his prospecting field, either himself or through a person familiar with the conditions and duly empowered for the purpose.

Removal of Signs and Boundary-marks.

§ 33. On the termination of the reservation of the prospecting field, the prospector is bound to remove the sign and boundary-marks in a clear and perceptible way. He is under the same obligation if the closing of the prospecting field takes place under § 25.

If the prospector does not comply with his obligation, the removal may be carried out by the authorities at the expense of the party under obligation, and irrespective of the penalty imposed by § 91, No. 1.

Prospecting Register.

§ 34. Every reservation of a prospecting field when correctly notified in respect to form and time, as well as the transfer or renunciation of the rights in a prospecting field, will be entered in a prospecting register to be kept by the mining authorities.

A certificate is officially given free of charge on the first registration of each prospecting field.

Further instructions as to the contents of and the manner of keeping the prospecting register may be issued by the Governor.

§ 35. The inspection of the prospecting register is permitted to all.

III.—MINING.

(a.) *Mining Property in general.**Mining.*

§ 36. The regular extraction of minerals of the kind specified in § 1 (Mining) is only allowed in a mining field.

Conversion of a Prospecting Field into a Mining Field on application.

§ 37. The prospector may at any time, even without proof of a discovery, claim that his prospecting field or a part of the same be converted into a mining field. The application for the conversion is to be made to the mining authority, with an indication of the name to be given to the mining field.

A plan, together with a description, is to accompany the application, from which the location and the size of the mining field shall be apparent (plan of location).

The Governor may declare any other authority as being competent for the reception of the application for conversion.

Conversion against the Wish of the Prospector.

§ 38. If in the prospecting field minerals (§ 1) are regularly extracted, or if the prospecting field has been held closed for two years, the mining authorities may effect the conversion even when opposed to the wish of the prospector. Instead of this, however, they may withdraw the reservation of the prospecting field.

The right to a prospecting field, the reservation of which has been withdrawn in accordance with section 1, cannot be reacquired by the same person or company. Likewise the right of prospecting can be prohibited to third parties by the mining authorities, or the right to the prospecting field may be subsequently withdrawn, if it is shown by the circumstances that an evasion of the regulations of paragraph 1 is contemplated.

The decisions referred to in these paragraphs may not be legally contested.

The Governor may reduce the two-years' limit referred to in paragraph 1, generally or in individual cases, to one year.

Form of the Mining Field.

§ 39. The mining field shall have the form of a rectangle, apart from variations arising out of rights of third parties, the long sides of which are at the most five times as great as the short sides.

After determining the depth, the field is demarcated by perpendicular gradients which follow the sides of the rectangle.

The superficial area of the mining field is to be determined in hectares, according to the horizontal extent.

Several Prospecting Fields thrown into one Mining Field.

§ 40. With the consent of the mining authorities, several prospecting fields or parts of the same directly touching each other may be united in one mining field.

Surveying and Marking the Mining Field.

§ 41. The conversion must be preceded by the survey and marking of the mining field. The mining authorities may, however, grant exceptions to this rule.

If the survey and marking is required, and the prospector refuses to effect the same, the conversion shall be refused.

When the prospector has been informed of the final decision to refuse the conversion, the prospecting field ceases to be closed. The decision may not be legally contested.

The survey and marking of the mining field takes place in accordance with the regulations issued by the Governor.

Expenses.

§ 42. The expenses of the survey and marking are to be borne by the prospector.

If, in the cases referred to in § 38, the mining authorities order the conversion, they are empowered to have the survey and marking carried out at the expense of the prospector.

Deed of Survey.

§ 43. The result of the survey and marking is recorded in a deed to be drawn up by the mining authorities, or by some other authority designated by the Governor. The deed is to be accompanied by a plan of the survey.

Conversion Procedure.

§ 44. Upon a decision being come to for the conversion of a prospecting field into a mining field, the mining authorities shall make the intended conversion publicly known.

The notification must contain—

- (1.) The name, profession, and residence of the prospector.
- (2.) The name to be given to the mine.
- (3.) The superficial area and boundary of the mining field claimed with reference to the survey plan (§ 43), or, if a survey

and marking has not taken place, to the plan of location (§ 37, paragraph 2).

(4.) The name of the district in which the mining field claimed is located.

(5.) A description of the minerals (§ 1, sections I and II) to which the mining rights shall apply.

The notification must be accompanied by a request that those persons who believe they have conflicting rights must file their claim within a period to be determined; otherwise their rights would not be considered, and would lapse on the decision regarding the conversion being carried into effect. During this period the survey plan or plan of location may be inspected at the office of the mining authorities.

If it is in the knowledge of the mining authorities that such rights are claimed, they must notify the respective parties direct. The term runs in every case from the date of the public notification.

Decision regarding conflicting Claims.

§ 45. On the expiration of the period referred to the mining authorities decide regarding the conflicting claims filed.

Contesting.

§ 46. The decision regarding the claims filed may be legally contested by those against whom it has been rendered within three months after notification to them. No appeal (§ 4) is allowed.

The suit is to be brought against the person in whose favour the decision of the mining authorities has been given. If several are to be sued the suit can only be brought against all jointly.

The case is not heard until the period fixed in paragraph 1 for all parties entitled to sue has expired. Several suits may be joined for simultaneous procedure and decision. The filing of the suit and the term for oral proceedings are to be immediately made known publicly by the Court, which shall besides notify the mining authorities.

Decision regarding the Conversion.

§ 47. If no conflicting claims are filed the mining authorities, after the lapse of the term limit (§ 44, third paragraph), or otherwise after final settlement of the conflicting claims decide regarding the conversion of the prospecting field into a mining field. The decision may not be legally contested.

The decision to the effect that the conversion may take place shall be made publicly known. Notice of opposition may be entered

only within the term of two weeks after the notification. No appeal (§ 4, section 2) is allowed.

Deed of Conversion.

§ 48. As soon as it is clear that the decision for the conversion will not be contested, the mining authorities shall make out a deed regarding the conversion.

The deed shall contain—

- (1.) The name, profession, and residence of the party entitled.
- (2.) The name of the mine.
- (3.) The superficial area and boundary of the mining field with reference to the survey plan (§ 43), or, if a survey and marking did not take place, to the plan of location (§ 37, paragraph 2).
- (4.) The name of the district in which the mining field is located.
- (5.) The names of the minerals (§ 1, sections I and II) to which the mining rights apply.
- (6.) The date of drawing deed.
- (7.) The seal or stamp and signature of the mining authority.

Establishment of the Ownership of Mine.

§ 49. Upon the signature of the mining authority to the document the ownership of the mine in regard to the area designated therein is established for the entitled party, and all conflicting and not specially reserved rights to it are void.

The deed of conversion itself is to be kept by the mining authorities. On application of the entitled party a copy may be furnished to him on payment of a fee of 50 marks.

Alteration of Boundary, Division, and Union of Mining Fields.

§ 50. The alteration of the boundaries between neighbouring mining fields, the division of a field into several independent mining fields, and the union of several mining fields into one must be judicially or notarially authenticated, and confirmed by the mining authorities.

The confirmation may only be refused if weighty reasons in the public interest or the rights of third persons are opposed to it. It is to be made publicly known. The regulations of § 49 are applicable.

(b.) *Individual Rights and Obligations of the Mineowner.*

Mineowner's Right of Production.

§ 51. The mineowner (§ 49) has the exclusive right to search for and acquire—

(1.) In a precious mineral mining field, the various minerals designated in § 1;

(2.) In a common mining field, the various common minerals designated in § 1, II; according to the regulations of this Ordinance and in accordance with the document delivered (§§ 49, 50, paragraph 2). He may also carry out the necessary works above and below ground.

Arrangements for Dressing, Smelting, and Forwarding Ore.

§ 52. The mineowner is authorized to make and carry on the requisite arrangements for the dressing, smelting, and forwarding of his mining products.

Accessory Constructions.

§ 53. The mineowner is empowered to construct accessory buildings in the open field.

The same powers can be granted to him by the mining authorities in the prospecting or mining fields of a third party, so far as the auxiliary construction has in view the draining or ventilation or more advantageous working of the mine and the working in the other field is thereby not disturbed or injured.

If the prospector or mineowner in whose field an auxiliary construction shall be erected denies his obligation to permit the same, the mining authority decides the question, to the exclusion of legal proceedings.

The party entitled to erect auxiliary constructions shall make full compensation for all damages resulting from the erection of such constructions.

The minerals obtained by means of an auxiliary construction in the open field are to be treated as a part of the production of that mine which the construction serves. If in the erection of an auxiliary construction in the mining field of a third party minerals are obtained to which the latter is entitled, they must be handed over to the same upon his demand, without charge.

Use of Water.

§ 54. The mining authority shall determine to what extent the mineowner is empowered to use the water existing in his mining-field, or that which is artificially brought there for the purposes of his mining work, and the necessary arrangements made for that purpose. The decision cannot be contested at law.

Obtaining Precious as well as Common Minerals in an ordinary Mine Field.

§ 55. In an ordinary mining field the mineowner is empowered to mine precious minerals as well as common minerals in so far as, in the opinion of the mining authority, they cannot be extracted separately.

The mining authorities decide, to the exclusion of recourse to law, whether the economic value of the entire deposit mainly rests upon the presence of precious minerals; in this case the mining field, so far as the rights of third parties do not oppose, is to be declared by the mining authorities wholly or partly as a precious mineral mining field, and the deed drawn up according to §§ 48, 49, 50, must be supplemented by an appropriate addition. The decision is to be publicly notified.

Redelivery of Minerals subject to the Mining Rights of other Parties in case of Co-production.

§ 56. If the right of mining precious and common minerals is possessed by various parties within the same field boundaries, each has the right, while extracting his own minerals, to jointly produce those of the other. The minerals thus extracted which belong to the other party must be delivered up, upon his demand, against repayment of the mining and transportation costs.

Compulsory Working.

§ 57. The mineowner is bound, within two years after the proof of mining ownership (§ 49, paragraph 1), to commence regular mining operations corresponding with the nature of the mineral deposit, either by himself or through others, and to continue the same uninterruptedly, unless he is prevented from the fulfilment of this obligation by circumstances over which he has no control. The mining authorities may fix a term of grace for the discharge of these obligations.

The mining authorities decide, legal proceedings being excluded, whether working is being carried on in the sense of the foregoing regulation.

The Governor may determine that the obligation of working in individual parts of the Protectorate is discharged by the annual expenditure of a certain sum of money, also by proof of the employment of a certain number of workmen for the execution of mining operations. He may also reduce the term of two years, referred to in paragraph 1 in general or in individual cases to one year.

If the mineowner does not comply with the obligations referred to in paragraphs 1 and 3, the mining authorities may order the suspension of the mining property under authority of §§ 69 to 75.

Notification.

§ 58. The mineowner shall notify, in writing or by protocol, the mining authorities or other authority designated by the Governor, of the opening of mining operations before the commencement of the same, or of every important change in the working before the change takes place, as well as of a complete or partial stoppage of the working within four weeks of the time of the stoppage.

The mineowner is further bound in the same manner to notify the authority designated in paragraph 1 of the intended mining of a mineral not previously obtained.

The Governor may issue further rules regarding the making of this notification.

Books to be kept by the Mineowner.

§ 59. The mineowner is bound to keep books showing the production, its value (§ 64, paragraph 1), receipts, and the wages paid.

The mining or other authority designated by the Governor is empowered at any time to inspect the books so to be kept.

The Governor may issue further rules respecting the manner of keeping the books; and may require the mineowner, at certain times and in certain forms, to produce evidence from the books before the mining authorities or some other authority designated by him.

Manager of Mine.

§ 60. If the mineowner does not personally conduct the mining operations and supervise the same on the spot, irrespective of the provisions of § 3, he must appoint a person (Manager of mining operations) for the management and supervision of the working, who shall be responsible for the fulfilment of the obligations of the mineowner regarding the working of the mine.

The name of the manager is to be reported to the mining authorities. Natives and other coloured persons appointed as managers must be confirmed by the mining authority.

If this rule is not complied with, the mining authorities can, irrespective of the penalty imposed by § 90, No. 7, prohibit the working of the mine and order the suspension of the mining property on the authority of §§ 69 to 75.

Employees of the Mineowner may be bound.

§ 61. The Governor may order that the persons charged by the mineowner with the examination of the ores, with the keeping of the books, or with the preparation of the prescribed proofs, shall be bound to a conscientious fulfilment of their duty by affirmation before an authority to be designated by the Governor.

Mining Taxes.

§ 62. The mineowner shall pay a field tax and a production tax.

Field Tax.

§ 63. The field tax amounts per annum—

(a.) For precious mineral mining fields, 30 marks for each hectare.

(b.) For ordinary mining fields, 1 mark for each hectare, but at least 30 marks for each mining field.

The field tax is payable half-yearly in advance on the 1st April and the 1st October at the Treasury Office to be designated by the Governor. For the first half-year it is calculated from the beginning of the month following the establishment of ownership (§ 49)

Production Tax.

§ 64. The production tax amounts to 2 per cent. of the value of the minerals produced (§ 1) before their working up at the mine.

The Governor may, in general or in regard to certain minerals, issue special regulations as to how this production tax is to be calculated.

Payment takes place half-yearly on the 1st April and on the 1st October, that is to say, each time with the half-year that begins with the 1st April or the 1st October respectively.

Addition for non-Payment of Field or Production Tax.

§ 65. Should the payment of a field or production tax fall into arrear for a longer period than two months the minimum becomes liable to the payment of an additional sum equal to one-quarter of the amount due. A demand for payment shall thereupon be issued forthwith.

Suspension of Mining Property when Taxes not paid.

§ 66. If the payment of the amount due for field or production tax together with the addition made under § 65 does not take place within two months from the demand, the mining authority shall order the collection of the amounts due.

In the event of failure to collect, the mining authorities may order the suspension of the mining property according to the authority given in §§ 69 to 75.

§ 67. The rights and obligations of the mineowner resulting from §§ 51 to 66, in case of the assignment of the revenue of the mining field, go to the party entitled to the usufruct.

Seizure of Working Plant after Suspension of Mine.

§ 68. In case of the suspension of the mining property (§ 57, paragraph 4; § 60, paragraph 3; § 66, paragraph 2), the mining authorities decide, recourse to law being excluded, how far the seizure of the carpentry and masonry of the mining buildings, the underground transport and working plant, as well as the other constructions, is to be carried out.

*(c.) Suspension of the Mining Property.**Preliminary Resolution.*

§ 69. The preliminary action for the procedure for the suspension of the mining property (§ 57, paragraph 4; § 60, paragraph 3; § 66, paragraph 2) is decided by a resolution of the mining authorities.

Opposition to Preliminary Resolution.

§ 70. The mineowner has the right, within three months from the day on which the resolution (§ 69) is made known to him, to enter a suit against the mining authorities for the suspension of the resolution. If this is not done, the right of protest expires. No appeal (§ 4) is allowed.

Notice of the Preliminary Resolution.

§ 71. If the mineowner does not enter a suit, or if the suit is legally dismissed, the resolution will be specially communicated by the mining authorities to the party concerned, and also publicly notified.

Compulsory Auction Sale.

§ 72. Every person actually authorized has the right, within three months after the publication of the resolution, or, at the latest,

within six months after the public notification to apply for a motion at his own expense, at the District Court, for the compulsory sale of the mine, the return of the expenses out of the proceeds of the sale being reserved. Any person who does not avail himself of this right is liable, on the suspension of the mining property, to lose his actual rights.

The mining authorities as well as the mineowner may, within one month after the public notification, likewise move for a compulsory sale of the mine.

Suspension Resolution.

§ 73. If a forced sale is not applied for, or if it does not result in the sale of the mine, the mining authorities, by a resolution, may pronounce the suspension of the mining property. The resolution may not be contested at law.

The resolution is to be notified to the mineowner and individually to all interested parties, and shall also be publicly announced.

All rights to the mine expire from the date on which the notifications referred to in paragraph 2 are made.

Renunciation of the Mining Property.

§ 74. Should the mineowner wish to renounce completely or partially his mining property, he must make a declaration to that effect to the mining authorities either in writing or by registration.

The mining authorities shall notify this declaration to the party concerned, and shall also make it publicly known.

If the declaration refers to the whole of the mining property; then the regulations of §§ 72, 73 are applicable.

If the declaration refers to only a part of the mining property, then the party actually entitled and the mining authorities are empowered, under the authority of § 72, to apply for the compulsory sale of the whole mine.

If such an application be not made, or if it does not result in the sale of the mine, the mining authority pronounces, under the authority of § 73, the suspension of the mining property to the extent to which the renunciation has been declared.

§ 75. The mining field becomes again open on the suspension of the mining property.

IV.—LEGAL RELATIONS BETWEEN THE PARTY WORKING THE MINE AND THE OWNER OF THE LAND, AS WELL AS THE PARTY ENTITLED TO THE USUFRUCT.

(a.) *Cession of Land.*

Use of Ground and Land for Installation of Working Plant.

§ 76. Where the use of land and ground owned by other persons is necessary for working the mine, including the installations belonging thereto, the mining operator can demand permission to use the same. Such permission can only be refused for important reasons of public interest.

The mining operator cannot demand the use of land or ground which is cultivated, or which is occupied with dwellings and agricultural buildings, with gardens, or with the inclosed courtyards connected therewith.

Compensation for withdrawn or diminished Usufruct.

§ 77. The mining operator is bound to pay full compensation annually, in advance, to the lessee of the land for withdrawn or diminished usufruct, and to restore the plot of ground after his operations are completed.

Compensation for Depreciation in Value.

§ 78. If a depreciation in value occurs through the use of the land or the usufruct thereof, the mining operator must, when restoring the land, make indemnification for the diminished value. For the discharge of this obligation the landowner, as also the party entitled to the usufruct of the land, may, at the time of granting the lease of the use of the land, require the deposit of a suitable security. The landowner also, if the land can no longer be appropriately used, may demand that the mining operator, instead of making good the depreciation in value, shall purchase the landed property and its accessories.

Obligation of the Mining Operator to purchase Land.

§ 79. When it is certain that the use of the land shall endure longer than three years, or if the use continues after the lapse of three years, the landowner may require the mine operator to purchase the plot of land and its accessories.

§ 80. If the use extends to only a part of the plot of land, then, in the circumstances referred to in § 78, third sentence, and § 79, only the purchase of such part can be demanded, unless the remaining part can no longer be appropriately used.

Pre-emption Right of the Landowner.

§ 81. The right of pre-emption in respect of all land sold for mining, if it should transpire that the plot of land is useless for such purposes, is possessed by the person who may be at the time the owner of the piece of land reduced in size by the original sale.

Disputes between the Mining Operator and the Lessee of the Land.

§ 82. If the mining operator and the party who, so far as he is concerned, is entitled to the land, cannot agree as regards the prescriptions of §§ 76 to 80, the mining authorities, after hearing both sides, shall decide as to whether, to what extent, and under what conditions the use of the land may be granted, and whether the mining operator is bound to pay compensation or to purchase the property.

As regards the obligation for the lease of the land, recourse to law only takes place if release from such obligation is claimed on the basis of § 76, second paragraph, or on a special legal title.

Mining on Native Lands.

§ 83. Whether, to what extent, and under what conditions, mining is lawful on native lands, is decided, irrespective of the claims for damages, by the district Judiciary.

*(b.) Compensation for Damages to Plots of Land.**Extent of Obligation to Indemnify.*

§ 84. The mining operator is bound to pay compensation for the damages which are done to a plot of land or its appurtenances, by mining operations.

The mining operator is not bound to pay compensation for damages to buildings or other offices resulting from mining work, if such buildings were erected at a time when the danger threatened by the mining operations must have been foreseen by the landowner in the exercise of common caution.

If the erection of such buildings is prevented on account of such danger, the claim for compensation for depreciation of value which has thereby resulted to the plot of land fails if it is shown by the facts that the intention to erect such buildings is only declared in order to obtain compensation.

Limitation.

§ 85. Claims for compensation for injury sustained through mining operations (§ 84) which are not based on a contract, expire in three years from the time when the injured party became aware of the damage and of the personality of the party liable to make reparation, or, irrespective of this knowledge, in thirty years from the time when the injury was committed.

V.—PARTICIPATION OF THE LANDOWNER IN THE PRODUCTION TAX.

§ 86. If minerals of the kind designated in § 1 are extracted from a plot of land which has been surveyed and is in agricultural use, the local Treasury shall give to the landowner, on his application, his share of the production tax paid in accordance with § 64, by remitting one quarter of such tax, in so far as the whole of the production field falls within the plot of land.

If the production field only falls partly within the plot of land, the remission shall be made only in such proportion of the quarter share as shall correspond with the relative areas of the production field within the plot of land and the entire production field of the mine.

The application for remission of production tax must have been filed with the mining authorities within six months after the term designated in § 64, paragraph 3, otherwise the claim for the participation lapses in favour of the local Treasury.

Companies whose property title rests upon a right granted or confirmed by the Imperial Chancellor, or by the Foreign Office (Colonial Department), as also natives, have no claim under the provisions of paragraphs 1 and 2.

VI.—MINING POLICE.

Police Supervision.

§ 87. Police supervision over prospecting and mining operations is carried out by the mining authorities.

The Governor may transfer the police supervision in certain parts of the Protectorate to other authorities.

The transfer is to be publicly announced.

§ 88. The police supervision over mines is extended especially upon—

(1.) Safety of construction.

(2.) The safety of life and the health of the officials and workmen.

(3.) The maintenance of order and good conduct in the works.

(4.) The protection of the surface in the interest of personal security and of the public traffic.

(5.) Protection against injurious effects of prospecting and mining operations generally.

Notification of Discovery.

§ 89. Whoever makes a discovery while prospecting or while mining finds minerals which have not yet been reported as objects of the production, is bound to notify the discovery to the mining authorities within three months after the fact. The Governor may issue more detailed regulations as to the form and particulars of the notice, and may also determine that the obligation as to notification may be complied with by notification of discovery to some other authority.

VII.—PENAL REGULATIONS.

§ 90. Except when greater penalties are imposed in accordance with the existing legal regulations, the following are punished with a fine up to 3,000 marks or with imprisonment up to six months:—

(1.) Whoever in the prosecution of prospecting work makes unauthorized use of another person's land (§ 12).

(2.) Whoever removes, destroys, renders unrecognizable, or displaces a prospecting-sign or boundary-mark of a prospecting or mining-field of another person with the intention of inflicting an injury to such person.

(3.) Whoever, without authority, undertakes mining operations or constructs works for the production of the minerals designated in § 1.

(4.) Whoever without authority removes minerals which are lying in the prospecting- or mining-field of another, or are within the mine-limits, with the intention of unlawfully appropriating them.

(5.) Whoever in the prosecution of his mining-rights knowingly transgresses the boundary of his mining-field.

(6.) Whoever neglects to keep the books, as provided in § 59, regarding the production and its value, the miners employed, the wages paid, and the other details prescribed by the Governor, or knowingly makes wrong entries or statements therein.

(7.) Whoever acts contrary to the regulations of § 60.

(8.) Whoever fails to give notice of discovery as prescribed in § 89, in the prescribed time and form, or whoever wilfully gives a false notice of discovery.

(9.) Whoever removes installations of the kind designated in

§ 68 contrary to the decision of the mining authorities, or before such decision has been rendered.

§ 91. The following are punished with a fine up to 500 marks, or in default with imprisonment.

(1.) Whoever acts contrary to the provisions of §§ 11, 22, 24, 32, and 33.

(2.) Whoever fails to make the notification and furnishes the proofs in due time as prescribed in §§ 28, 30, and 58.

(3.) Any mining operator who negligently transgresses the limits of his mining-field.

§ 92. Besides the penalties imposed by §§ 90 and 91, penal measures are applied to natives such as are prescribed by the general regulations governing the administration of the natives.

VIII.—FINAL REGULATIONS.

Special Privileges.

§ 93. The regulations contained in this Ordinance are applicable also in those districts in which companies possess mining rights under a special privilege granted by the Imperial Chancellor or by the Foreign Office (Colonial Department), or confirmed by the same, provided that nothing to the contrary is specified in the grant.

§ 94. The Imperial Chancellor may grant special privileges for the exclusive searching or extraction of minerals in specified districts.

In such districts the regulations of this Ordinance are in force so far as nothing to the contrary is specified in the grant.

Officials and Military Men prohibited from Prospecting and Mining.

§ 95. Except with the consent of the Imperial Chancellor, prospecting and mining in the Protectorate is forbidden to officials and military men on active service in the Protectorate. The local Treasury acquires the ownership of such minerals (§ 1), as may be produced by such persons by prospecting or by mining work without authority.

Power of the Imperial Chancellor to issue Supplementary and to alter Regulations.

§ 96. The Imperial Chancellor is empowered to make regulations so far as the legal conditions regarding mining are not governed by this Ordinance. He may, in particular, determine that this Ordinance shall be applicable to the prospecting for and extraction of minerals other than those designated in § 1.

The Imperial Chancellor may further, in execution of this Ordinance, or parts of the same—

- (1.) Prolong the periods of grace fixed by this Ordinance.
- (2.) Regulate the competency of the authorities in the Protectorate when at variance with the provisions of this Ordinance.
- (3.) Issue further regulations for the prospecting and mining of precious stones, as well as of other precious minerals, so far as the latter occur in the alluvial deposits ("angeschwemmten Lagerstätte").
- (4.) Make the permission to prospect dependent upon the taking out of a prospecting licence, and prescribe that a prospector may not reserve more than a certain number of prospecting-fields.
- (5.) Reduce or increase the prospecting-field fee and the field-production taxes.

§ 97. The duties assigned to the Imperial Chancellor in this Ordinance are exercised in his absence by the Foreign Office (Colonial Department).

Going into Force of this Ordinance.

§ 98. The Imperial Ordinance regarding mining in the South-West African Protectorate of the 15th August, 1899 ("Reichsgesetzblatt," p. 179), is revoked.

Any prospecting concession issued in accordance with the Ordinance of the 15th August, 1889, remains in force until its expiration.

Any discovery made under such concession, and notified to the mining authorities within three months after the going into force of this Ordinance, gives to the prospector, as discoverer, the right within a period of grace determined by the Governor, to demarcate the prospecting-field containing the place of discovery, in accordance with this Ordinance. During the period of grace prospecting-fields may only be demarcated by third parties if not in conflict with the right of the discoverer.

A mining-field, authorized in accordance with the provisions of the Ordinance of the 15th August, 1889, maintains its extent undiminished. In all other respects, however, it is subject to the Regulations of the present Ordinance.

§ 99. This Ordinance goes into force the 1st day of January, 1906.

Given under our signature in our own handwriting and impressed with our Imperial seal, in the camp at Posen, the 8th day of August, 1905.

Prince BÜLOW.

(L.S.) WILHELM.

DECLARATION between Greece and Egypt prolonging the Commercial Convention between the two Countries of the $\frac{9\text{th}}{21\text{st}}$ March, 1895, to the $\frac{18\text{th}}{31\text{st}}$ March, 1906.—Signed at Cairo, May 23, 1905.*

LA Convention Commerciale entre la Grèce et l'Égypte du 9 (21) Mars, 1895, devant cesser d'être en vigueur à partir du 1 (14) Septembre, 1905, à la suite de la dénonciation qui en a été faite par le Gouvernement de Son Altesse le Khédive d'Égypte, et les Gouvernements des deux pays ayant reconnu l'utilité d'en proroger l'échéance en vue de disposer du temps nécessaire pour qu'une nouvelle Convention puisse être élaborée, signée, et ratifiée dans l'intervalle par la Chambre Hellénique, les Soussignés, dûment autorisés à cet effet, sont convenus de ce qui suit :—

La Convention Commerciale entre la Grèce et l'Égypte, conclue au Caire le 19 (21) Mars, 1895, continuera à rester en vigueur jusqu'au 18 (31) Mars, 1906.

En foi de quoi les Soussignés ont procédé à la signature de la présente Déclaration, sous réserve de son approbation par la Chambre Hellénique.

Fait en double expédition, au Caire, le 23 Mai, 1905.

N. GENNADI.

BOUTROS GHALI.

TREATY OF ARBITRATION concluded between the Governments of Italy and Portugal.—Signed at Lisbon, May 11, 1905.†

(Translation.)

THE Government of His Majesty the King of Italy and the Government of His Majesty the King of Portugal and the Algarves, Signatories of the Convention for the Pacific Settlement of International Disputes, concluded at The Hague on the 29th July, 1899;‡

Taking into consideration that, by Article XIX of that Convention, the High Contracting Parties have reserved to themselves the right of concluding Agreements with a view to referring to arbitration all questions which they shall consider possible to submit

* Vol. LXXXVII, page 410.

† Promulgated by Italian Decree of July 2, 1905.

‡ Vol. XCI, page 970.

to such treatment, have authorized the Undersigned to conclude the following Arrangement:—

ART. I. Differences which may arise of a legal nature, or relating to the interpretation of Treaties existing between the two Contracting Parties, which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third parties.

II. In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure.

III. The present Agreement is concluded for a period of five years, dating from the day of signature.

Done in duplicate, at Lisbon, the 11th day of May, 1905.

(L.S.) A. DI BISIO.

(L.S.) ANTONIO EDUARDO VILLAÇA.

NOTIFICATION issued by the Sultan of Muscat, respecting the Transportation of Arms, &c., to certain portions of the African Coast.—Muscat, October 17, 1903.

(Translation.)

To all whom it may concern :

Be it known that, in pursuance of an understanding come to by the Governments of Great Britain and Italy,* the importation of arms and warlike stores to those portions of the African coast and islands (including Socotra) lying to the north of Ras Aseer (*i.e.*, Cape Guardafui), which are under the British Protectorate, and also to those parts of the African Coast which are under the Italian Protectorate, has been prohibited.

Accordingly, at the request of the British Government pursuant to her understanding with the Government of Italy, I hereby notify the said prohibition.

Be it therefore known that any native craft transporting arms or warlike stores to the localities in question will incur the risk of confiscation, and that I have granted the authority to British men-

* See British Regulations of October 22, 1903, Vol. XCVI, page 1131.

of-war to search, on my behalf, vessels which there is reason to suspect in this connection in Muscat and Oman waters, and similarly to search Muscat craft on the high seas if reason exists for suspecting them.

Furthermore, I hereby grant authority to Italian ships of war also to search suspected Muscat vessels either in territorial waters or on the high seas.

FEYSAL-BIN-TURKI,

Sultan of Muscat.

Muscat, the 24th Rajab, 1321 (October 17, 1903).

*SUPPLEMENTARY TREATY between the United States and Denmark for the Extradition of Criminals.—Signed at Washington, November 6, 1905.**

[Ratifications exchanged at Washington, February 19, 1906.]

THE United States of America and His Majesty the King of Denmark, agreeing that the Convention for the extradition of criminals signed by their Plenipotentiaries on the 6th January, 1902,† is applicable to their respective island possessions or Colonies, and desiring to define the procedure by which applications for the surrender of accused persons from such island possessions or Colonies shall be made, and to add to the list of extraditable crimes mentioned in Article II of the said Convention of the 6th January, 1902, by means of an additional Convention, have to that end appointed as their Plenipotentiaries :

The President of the United States of America, Elihu Root, Secretary of State of the United States ; and

His Majesty the King of Denmark, M. Constantin Brun, Commander of the Order of Dannebrog and decorated with the Cross of Honour of the same Order, His Majesty's Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Washington ;

Who, after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following Articles :—

ART. I. In the case of crimes committed in the island possessions or Colonies of the Contracting Parties, applications for the surrender of the accused may be made directly to the Governor or Chief Magistrate of the island possession or Colony in which the fugitive has sought refuge, by the Governor or Chief Magistrate of

* Signed also in Danish.

† Vol. XCV, page 186.

the Colony or island possession of the other Contracting Party, provided that both island possessions or Colonies are situated in America. The aforesaid Governors or Chief Magistrates shall have authority either to grant the extradition or to refer the matter for decision to the Government of the mother country. In all other cases applications for extradition shall be made through the diplomatic channel.

Where a fugitive criminal is arrested in the Philippine Islands, the Hawaiian Islands, Farøe Islands, or Iceland, he may be provisionally detained for a period of four months.

II. In addition to the crimes and offences mentioned in Article II of the Convention between the United States of America and the Kingdom of Denmark for the extradition of criminals, signed at Washington on the 6th January, 1902, extradition shall be granted also for the following crime or offence:—

Bribery, defined to be the offering, giving, or receiving of bribes, when made punishable by the laws of the two Contracting Parties.

III. The present Convention shall be considered as an integral part of the said Extradition Convention of the 6th January, 1902, and shall be ratified according to the respective laws of the two Contracting Parties. The ratifications shall be exchanged at Washington as soon as possible.

In testimony whereof the respective Plenipotentiaries have signed the above Articles, both in the English and Danish languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this 6th day of November, 1905.

(L.S.) ELIHU ROOT

(L.S.) C. BRUN.

AWARD of the Commission of Arbitration under the provisions of the Protocol of January 31, 1903, between the United States of America and the Dominican Republic, for the Settlement of the Claims of the San Domingo Improvement Company of New York, and its allied Companies.—Washington, July 14, 1904.*

WHEREAS by a Protocol of Agreement between the United States of America and the Dominican Republic, concluded at Santo Domingo City on the 31st January, 1903, it was agreed that the Dominican Government should pay to the Government of the

United States the sum of 4,500,000 dollars in American gold as full indemnity for the relinquishment by the San Domingo Improvement Company of New York, the San Domingo Finance Company of New York, the Company of the Central Dominican Railway, and the National Bank of San Domingo of all their rights, properties, and interests, and in full settlement of all accounts, claims, and differences between the Dominican Government and the said Companies, and that the terms on which the indemnity thus agreed upon should be paid should be referred to a Board of three Arbitrators, one to be named by the President of the United States, one by the President of the Dominican Republic, and the third by the President of the United States and the President of the Dominican Republic jointly, or, in case they should fail so to name him, by the President of the Dominican Republic from certain specified members of the United States' Supreme Court or the United States' Circuit Court of Appeals;

Whereas, for the purpose of carrying into effect the said Protocol the undersigned Arbitrators were appointed, viz.: by the President of the United States, John G. Carlisle; by the President of the Dominican Republic, Don Manuel de J. Galvan; and as third Arbitrator, by nomination of the President of the Dominican Republic, George Gray, one of the specified members of the United States' Circuit Court of Appeals;

And whereas the said Arbitrators, duly organized under the said Protocol as a Board of Arbitration, have received and considered the Cases and Counter-Cases, and the Arguments filed thereunder by the Contracting Parties through their respective Agents and Counsel:

The Board of Arbitration does now adjudge and award as the terms on which the indemnity above mentioned shall be paid, and the times, terms, and conditions on which the aforesaid Companies shall relinquish all their rights, properties, and interests mentioned in Article V of said Protocol and withdraw from the Dominican Republic, thus constituting a full settlement of all accounts, claims, and differences between the Dominican Government and the said Companies, the following:—

ARTICLE 1.—*Time of Delivery of Property.*

(a.) Within ninety days from the making of this award all rights and interests which the said Companies have in the National Bank of San Domingo, consisting of 6,338 shares of the capital stock thereof, shall be delivered by said Companies to the Dominican Government on said Government giving to the Companies a release by the bank of all claims against them.

(b.) When the Dominican Government shall have paid to the

United States the sum of 1,500,000 dollars, part of the said principal debt, the said Companies shall deliver to the Dominican Government all the shares of the Company of the Central Dominican Railway, which shall represent, include, and carry all the rights and interests in said railway referred to in paragraph 1 of Article V of said Protocol, and will simultaneously deliver over the full possession of said railway, which shall be free of all debts, fixed or floating, of the said Companies, and which shall be at least in as good condition physically as it now is, less wear and tear and damage by accident, or acts of God, or public disturbance, or the foreign enemy.

The cost of restoring the railway from damage occurring in the meantime from any of such causes shall be first chargeable upon the net profits of the year, and any excess of such cost shall be paid by the Dominican Government out of its Treasury in the same manner as hereinafter described in Article 4.

If such payment of 1,500,000 dollars, or any part thereof, shall be made by the Government other than by the monthly instalments hereinafter provided, such monthly instalments shall nevertheless continue as herein provided.

(c.) When the principal of said debt of 4,500,000 dollars shall have been reduced to 2,076,635 dollars, then shall begin the delivery of the bonds of the Dominican Republic mentioned in paragraph 3 of Article V of the Protocol of the amount of 830,654 $\frac{1}{2}$ l. The bonds to be delivered shall not include any of the 351,400 $\frac{1}{2}$ l. of unified scrip admitted by the Companies to be the property of the Dominican Republic, and heretofore tendered by the Companies to the Dominican Government under the provisions of Article 6 of the contract of the 18th April, 1900; and the said 351,400 $\frac{1}{2}$ l. of unified scrip shall be delivered to the Dominican Government within thirty days from the date of this award. With regard to the delivery of the amount of 830,654 $\frac{1}{2}$ l. of bonds, exclusive of the 351,400 $\frac{1}{2}$ l. admitted to be the property of the Dominican Republic, this is understood to constitute a guarantee on the part of the Companies that there are outstanding not more than 1,148,600 $\frac{1}{2}$ l. of 4 per cent. obligations, including French-American reclamation consols (stamped and unstamped), unified 4 per cent. scrip, and the 4 per cent. bonds embraced in the 830,654 $\frac{1}{2}$ l. of bonds to be delivered under this award, and that if any bonds of the issues of 1888, 1890, or 1893 shall hereafter be presented for conversion the Companies will protect the Dominican Government. The delivery of the bonds by said Companies to the Dominican Government shall be in monthly instalments *pro ratâ* to the payments of principal made to the United States, so that 1,000 dollars or 200 $\frac{1}{2}$ l. of bonds shall be delivered for each 500 dollars of principal debt paid.

ARTICLE 2.—*Rate of Interest.*

The principal sum of 4,481,250 dollars, and any and all balances thereof, due and payable to the United States by the Dominican Government shall bear interest from the date of this award at the rate of 4 per cent. per annum. All payments made shall be applied first to the interest accrued.

ARTICLE 3.—*Amount of Monthly Instalments.*

Said principal and interest shall be payable in monthly instalments of 37,500 dollars each during the first two years, and of 41,666 dol. 66 c. each thereafter, to the Financial Agent of the United States on the first day of each month, beginning with the month of September 1904, and shall be made in gold coin or currency of the United States, or in such good bills of exchange as shall be acceptable to said Agent. In the former case the cost of shipment to New York, and in the latter case the discount to maturity and charges incident to the collection of such bills of exchange, shall be added to the amount of the monthly instalment.

The net profits of the operation of said railway, until its delivery under Article 1 hereof, during each year, beginning from the 1st July, 1904, as shall annually be stated by its general manager, shall be and constitute a further credit upon said principal debt.

ARTICLE 4.—*Security and Mode of Collection.*

Security.—The said debt and interest and the monthly payments thereof, as herein determined, shall be secured as follows :—

The customs revenues and port dues of the ports of entry or custom-houses of Puerto Plata, Sánchez, Samaná, and Montecristy, and of all other ports of entry or custom-houses now existing or which may hereafter be established, on the coast or in the interior, north of 18° 45' of north latitude and east of the Haytian boundary, are hereby assigned and designated as security for the payment of the debt and interest herein mentioned.

Until payment of said debt and interest the tariff of customs duties and port dues now prevailing shall not be reduced in any case or to any person more than 20 per cent. without the consent of the United States.

The said debt and interest shall also constitute a first lien upon the Central Dominican Railway until its delivery to the Dominican Republic as provided in this award.

Mode of Collection.—The United States shall appoint a Financial Agent, who shall establish an office in the Dominican Republic.

In case of failure to receive during any month the sum then due, the said Financial Agent shall have full power and authority, by himself or by his appointees, to forthwith enter into possession of the custom-house at Puerto Plata in the first instance, and to assume charge of the collection of the customs duties and port dues at that port, and to that end shall fix and determine those duties and dues and enforce their payment, possessing and exercising all the present powers of the "Interventor de Aduana" and of the "Administrador de Hacienda," and of all other officials authorized by law to participate in the collection and determination of duties and dues and the enforcement of their payment.

Said Financial Agent shall have power from time to time to appoint subordinate officials and employés. The customs duties and port dues shall be paid to him or to his appointees directly by the exporters and importers, or other persons liable therefor, in cash or in pagarés drawn to the order of said Financial Agent or his appointees; and such payment, and such payment alone, shall operate as a release of the goods and as a discharge of such importers and exporters and other persons from the liability for payment of such customs duties and port dues.

The Dominican Government may appoint such officials as it may deem proper for the purpose of inspecting the collection of duties.

Out of the sums collected by the Financial Agent and his appointees the said Agent shall pay in the following order:—

(a.) The expenses of collection.

(b.) The special apartados, as follows:—

Port of Puerto Plata:

Wharf Concession.

Freight Concession.

Personal duties.

Old foreign debt, $1\frac{1}{2}$ per cent. of import duties.

Colon, $\frac{1}{2}$ per cent. of import and export duties.

Port of Samaná:

Wharf Concession.

Old foreign debt, $1\frac{1}{2}$ per cent. of import duties.

Colon, $\frac{1}{2}$ per cent. on import and export duties.

Port of Sánchez:

Wharf Concession.

Samaná-Santiago Railway Concession, 7 per cent. of import duties.

Macoris Branch Railway Concession, 2 per cent. of customs receipts.

Old foreign debt, $1\frac{1}{2}$ per cent. of import duties

Colon, $\frac{1}{2}$ per cent. of import and export duties.

Port of Montecristy:

Improvement River Yaque Concession.

"Gobernación."

Old foreign debt, $1\frac{1}{2}$ per cent. of import duties.Colon, $\frac{1}{2}$ per cent. of import and export duties.

(c.) The sums due under this award.

(d.) "Deuda flotante interior" and "deuda flotante vicini," each 5 per cent.

The excess, if any, after said payments shall be paid over by said Financial Agent to the Minister of Hacienda of the Dominican Government at the time recognized by the United States or to his order. And the said Financial Agent shall render monthly an account of his collections and disbursements to the said Minister of Hacienda. He shall not be obstructed in the peaceful exercise of his duties under this award.

In case the sums collected at Puerto Plata shall at any time be insufficient for the payment of the amounts due hereunder, or in case of any other manifest necessity, or if the Dominican Government shall so request, the said Financial Agent or his appointees shall have and exercise at Sánchez, Samaná, and Montecristy, and at any or all of the ports of entry or custom-houses within the territorial limits above described, all the rights and powers vested in him or them by this award in respect of the port of Puerto Plata.

This possession, power, and duty shall continue until six months after all arrears hereunder shall have been paid, and, further, until the Dominican Government requests the restoration of the *status quo ante*; but said Financial Agent and his appointees shall re-enter said custom-houses, and resume the exercise of all the powers and authority as above described, at any subsequent time when a like default in payment shall be made by the Dominican Government.

To the end that the capacity of the Dominican Republic punctually to make the payments required by this Award shall not hereafter be impaired, the Financial Agent herein mentioned shall act as Financial Adviser to the Dominican Government in all matters affecting its ability to pay this award.

ARTICLE 5.

In the month of January in each year the Dominican Government shall make up, in accord with the Financial Agent herein mentioned, a statement showing the total fiscal revenues of the Republic for the preceding year.

ARTICLE 6.

The salaries and necessary travelling and other expenses of the Financial Agent and his appointees shall be paid by the Dominican

Government in monthly instalments, in the same manner and with the same security as the monthly instalments of debt provided therein by Article 4.

ARTICLE 7.

In addition to the monthly instalment of 37,500 dollars provided for in Article 3, there shall be paid to the Financial Agent during the month of August 1904 a sum sufficient to pay an equal moiety of the compensation of the Arbitrators and an equal moiety of all expenses of this arbitration, being the amount for which the Dominican Republic is liable under Article VIII of the Protocol, which amounts shall be certified to the Dominican Government by the Department of State of the United States of America.

And in case of the failure to pay said amount, or any part thereof, during the said month of August, the Financial Agent shall have and exercise in the collection thereof the same powers as heretofore conferred upon him in case of default in the payment of the said monthly instalments on the principal and interest of said debt.

This Award is given and rendered at Washington, on this 14th day of July, in the year 1904.

In witness whereof we have hereunto affixed our hands and seals.

(L.S.) GEO. GRAY, *President.*

(L.S.) JOHN G. CARLISLE.

(L.S.) MANUEL DE J. GALVAN.

TREATY OF EXTRADITION between the United States of America and the Republic of Hayti.—Signed at Washington, August 9, 1904.*

[Ratifications exchanged at Washington, June 28, 1905.]

THE United States of America and the Republic of Hayti, wishing to ensure the proper administration of justice, have resolved to conclude a Treaty for the purpose of mutually surrendering persons who, being charged with one of the crimes hereinafter specified, or, having been sentenced for one of these crimes, shall, by flight, have escaped judicial prosecution or the consequences of their sentence.

* Signed also in French.

To this end they have appointed their Plenipotentiaries, to wit:

The President of the United States of America, Mr. John Hay, Secretary of State of the United States of America; and

The President of the Republic of Hayti, Mr. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary of Hayti at Washington;

Who, after having communicated their respective full powers, found in good and due form, have agreed on the following Articles:—

ART. I. The High Contracting Parties agree to deliver up to their respective justice persons who, being accused or convicted of any of the crimes hereinafter enumerated, committed within the limits of jurisdiction of the demanding party, shall have afterwards taken refuge or shall be found in the territory of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

II. The crimes for which extradition shall be granted are the following:—

1. Murder (including assassination, parricide, infanticide, poisoning, and voluntary manslaughter).

2. Counterfeiting of money, either coin or paper; utterance or circulation of counterfeit or altered money; introduction of counterfeit or altered money into the territory of one of the Contracting Parties.

3. Counterfeiting of any securities issued by one of the Contracting Parties, of bonds or coupons of the Public Debt, of bank-notes or other instruments of credit authorized by law; utterance, use, or introduction, in the territory of one of the parties, of the aforementioned counterfeit or falsified securities or notes.

4. Forging of public or private documents; use of forged documents.

5. Larceny; robbery, or that which corresponds to the crime provided for and punished by the laws of Hayti as theft committed with arms in hand, or by violence or threats, or on the public highways; burglary, or that which corresponds to the crime provided for and punished by the laws of Hayti as theft committed by breaking or climbing into, or using false keys, or at night in a place inhabited or used as a dwelling.

6. Embezzlement by public officers or by persons hired or salaried, to the detriment of their employers: Provided that the amount of money or value of the property embezzled is not less than 200 dollars.

7. Arson; destruction of railways, bridges, tramways, vessels, public edifices or other buildings, endangering human life.

8. Perjury; subornation of perjury; bribery, defined to be the giving, offering, or receiving of a reward to influence one in the discharge of a legal duty.

9. Rape.

10. Bigamy.

11. Kidnapping of minors.

12. Piracy, as defined by statute or international law.

III. Extradition shall also be granted for the attempt to commit one of the crimes above enumerated, and against any accomplice of these crimes or attempts at crimes, when such complicity and attempt are punishable by the laws of the party demanding the extradition.

IV. Neither of the Contracting Parties shall be obliged to deliver up its own citizens.

V. If the person claimed is under prosecution, either in Hayti or the United States, for any other crime than that upon which the demand for extradition is based, the extradition shall be postponed until the judgment is pronounced, and, if the person is convicted, until the sentence imposed is fully served or remitted.

The extradition may also be postponed when the person claimed is being prosecuted for a civil offence in the country of which the demand is made. In this case it will not take place until after the execution of the judgment or the remission of the penalty.

VI. A fugitive who shall have been claimed at the same time by two or more States shall be delivered up to the State which has first presented its demand: Provided that the Government from which extradition is sought is not bound by Treaty to give preference otherwise.

VII. The provisions of the present Treaty shall not apply to offences of a political character.

The assassination or poisoning of the head of a Government, or any other attempt against the life of the head of a Government, shall not be considered as a crime of a political character.

A person whose extradition shall have been granted on account of one of the crimes mentioned in Article II of this Convention shall not in any case be tried for a political offence or for an act connected with a political offence committed prior to the demand for extradition, unless such person has had abundant opportunity to quit the country during the month following that in which he was set at liberty either as a result of acquittal, expiration of his sentence, or pardon.

VIII. A person surrendered cannot, without the consent of the State which has granted the extradition, be detained or tried in the

State which has obtained his extradition for any other crime or causes than those which have given rise to the extradition.

This stipulation does not apply to crimes committed subsequently to the extradition.

However, a person who has had ample opportunity to quit the country which has obtained his extradition, and who shall be found there a month after his release by acquittal, the expiration of his sentence, or pardon, may be arrested and tried, without the consent of the State which has granted the extradition, for other crimes than those which have given rise to the demand for extradition.

IX. Where the arrest and detention of a fugitive in the United States are desired, on telegraphic or other information in advance of the presentation of the formal proofs, complaint on oath, as provided by the Statutes of the United States, shall be made by an agent of the Haytian Government before a Judge or other Magistrate authorized to issue warrants of arrest in extradition cases. In Hayti the Diplomatic or Consular Agent of the United States shall address, through the Ministry of Foreign Relations, a complaint to the Government Commissioner or any other Magistrate authorized to issue warrants of commitment. The provisional arrest and detention of a fugitive shall cease, and the prisoner be released, if a formal requisition for his surrender, accompanied by necessary evidence of criminality, has not been produced under the stipulations of this Convention within sixty days from the date of his arrest.

X. Every demand for extradition shall be made through the Diplomatic Agents of the High Contracting Parties. In case of absence or impediment of these Agents, the demand may be presented by the Consuls.

This demand shall be acted on in conformity with the laws of each of the parties.

Nevertheless, if the person demanded has already been sentenced for one of the crimes hereinbefore enumerated, the requisition shall be merely accompanied by the sentence, duly certified by the competent authority of the State demanding the extradition.

XI. In the investigation which they may have to make, according to their own laws, the authorities of the State of which the demand is made who are qualified to decide on the demand for extradition, shall admit as entirely valid evidence all depositions or declarations of witnesses coming from the other State, or copies thereof, and warrants issued, provided these documents are signed or certified by a competent Magistrate or officer of the State making the demand.

XII. The objects found in the possession of the fugitive, and which were obtained by the perpetration of the crime with which he

is charged, or which may serve to prove his crime, shall be seized at the time of his arrest, and delivered, together with his person, to the party demanding the extradition. Nevertheless, the rights of third persons to the articles so found shall be respected.

XIII. The expenses of detention, procedure, and delivery incurred in virtue of the preceding Articles shall be borne by the demanding party. It is agreed, however, that the State making the demand shall have nothing to pay to the officers of the State to which the demand is addressed who receive fixed salaries; officers who, having no fixed salary, receive fees shall not demand any other fees than those generally charged in ordinary criminal procedures.

XIV. The stipulations of the present Treaty are applicable to the insular possessions of the United States. In this case the demand shall be addressed to the Government or principal authority of the possession by the Consul of Hayti.

XV. The present Treaty shall remain in force until it is denounced: it shall cease to bind the parties six months after one of them shall have notified its intention to terminate it.

XVI. The present Treaty shall be approved and ratified by the competent authority of each of the High Contracting Parties, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the foregoing Articles, and have affixed thereto their seals.

Done in duplicate at Washington, in French and English, this 9th day of August, 1904.

(L.S.) JOHN HAY.

(L.S.) J. N. LÉGER.

*PARCELS POST CONVENTION between the United States of America and the Kingdom of Sweden.—Signed at Stockholm, November 14, and at Washington, December 14, 1905.**

FOR the purpose of making better postal arrangements between the United States of America and Sweden, the Undersigned, George B. Cortelyou, Postmaster-General of the United States of America, and E. von Krusenstjerna, Director-General of Posts of Sweden, by virtue of authority vested in them, have agreed upon the following Articles for the establishment of a parcels-post system of exchanges between the two countries:—

ART. I. The provisions of this Convention relate only to parcels

* Signed also in the Swedish language.

of mail matter to be exchanged by the system herein provided for, and do not affect the arrangements now existing under the Universal Postal Convention, which will continue as heretofore; and all the agreements hereinafter contained apply exclusively to mails exchanged under these Articles directly between the office of New York and such other offices within the United States as may be hereafter designated by the Postmaster-General of the United States, and the office of Malmö, and such other offices within Sweden as may be hereafter designated by the Director-General of Posts of Sweden.

II. There shall be admitted to the mails exchanged under this Convention articles of merchandize and mail matter—except letters, postcards, and written matter of all kinds—that are admitted under any conditions to the domestic mails of the country of origin, except that no packet must exceed 50 dollars or its equivalent in value, 4 lb. 6 oz. (or 2 kilog.) in weight, nor the following dimensions: Greatest length in any direction 3 ft. 6 in. (105 centim.); greatest length and girth combined 6 feet (180 centim.); and must be so wrapped or inclosed as to permit their contents to be easily examined by customs officers and by Postmasters duly authorized to do so, and except that the following articles are prohibited:—

Publications which violate the copyright laws of the country of destination; poisons and explosive or inflammable substances; fatty substances; liquids, and those which easily liquefy; confections and pastes; live or dead animals, except dead insects and reptiles when thoroughly dried; fruits and vegetables which easily decompose, and substances which exhale a bad odour; lottery tickets, lottery advertisements, or lottery circulars; all obscene or immoral articles; articles which may in any way damage or destroy the mails or injure the persons handling them.

III. A letter or communication of the nature of personal correspondence must not accompany, be written on, or inclosed with any parcel.

If such be found, the letter will be placed in the mails if separable, and if the communication be inseparably attached, the whole package will be rejected. If, however, any such should inadvertently be forwarded, the country of destination may collect on the letter or letters double rates of postage according to the Universal Postal Convention.

No parcel may contain parcels intended for delivery at an address other than that borne by the parcel itself. If such inclosed parcels be detected, they must be sent forward singly charged with new and distinct parcels-post rates.

IV. The packages in question shall be subject in the country of destination to all customs duties and all Customs Regulations in

force in that country for the protection of its customs revenues, and to the following rates of postage, which shall in all cases be required to be fully prepaid, viz. :—

In the United States, for a parcel not exceeding 1 lb. (455 grammes) in weight, 12 cents, and for each additional pound (455 grammes), or fraction of a pound, 12 cents.

In Sweden : for a parcel not exceeding 1 kilog. in weight, 80 öre, and for other parcels, 1 krona 40 öre.

V. The sender of each package must make a Customs declaration upon a special form provided for the purpose (see Form 1 (A) annexed hereto), giving the address, a general description of the parcel, an accurate statement of the contents and value, date of mailing, and the sender's signature and place of residence ; which declaration must accompany the parcel to destination.

Either country may authorize the post-office where the package is mailed to deliver to the sender of the package at the time of mailing a certificate of mailing on a form like Form 2 annexed hereto.

The sender of a package may have the same registered by paying the registration fee required for registered articles in the country of origin, and, on demand therefor, will receive a return receipt without additional charge.

VI. The addressees of registered articles shall be advised of the arrival of a package addressed to them by a notice from the post-office of destination.

The packages shall be delivered to addressees at the post-offices of address in the country of destination free of charge for postage ; but the customs duties properly chargeable thereon shall be collected on delivery in accordance with the Customs Regulations of the country of destination ; and the country of destination may, at its option, levy and collect from the addressee for interior service and delivery a charge not exceeding 5 cents in the United States and 20 öre in Sweden on each single parcel of whatever weight.

VII. The packages shall be considered as a component part of the mails exchanged direct between the United States and Sweden to be dispatched by the country of origin to the other at its cost and by such means as it provides, but must be forwarded, at the option of the dispatching office, either in boxes prepared especially for the purpose or in ordinary mail sacks, to be marked "Parcels-post," and not to contain any other articles of mail matter, and to be securely sealed with wax or otherwise, as may be mutually provided by Regulations hereunder.

Each country shall promptly return empty to the dispatching office by next mail all such bags and boxes, but subject to other Regulations between the two Administrations.

Although articles admitted under this Convention will be transmitted as aforesaid between the exchange offices, they should be so carefully packed as to be safely transmitted in the open mails of either country, both in going to the exchange office in the country of origin and to the office of address in the country of destination.

Each dispatch of a parcels-post mail must be accompanied by a descriptive list in duplicate of all the packages sent, showing distinctly the list number of each parcel, the name of the sender, the name of the addressee with address of destination, and the declared contents and value, and must be inclosed in one of the boxes or sacks of such dispatch. (See Form 3 annexed hereto.)

VIII. As soon as the mail shall have reached the office of destination, that office shall check the contents of the mail.

In the event of the parcel bill not having been received, a substitute should be at once prepared.

Any errors in the entries on the parcel bill which may be discovered should, after verification by a second officer, be corrected and noted for report to the dispatching office on a form, "verification certificate," which should be sent in a special envelope.

If a parcel advised on the bill be not received after the non-receipt has been verified by a second officer, the entry on the bill should be cancelled and the fact reported at once.

Should a parcel be received in a damaged or imperfect condition, full particulars should be reported on the same form.

If no verification certificate or note of error be received, a parcels mail shall be considered as duly delivered, having been found on examination correct in all respects.

IX. If the packages cannot be delivered as addressed, or if they are refused, they should be reciprocally returned without charge directly to the dispatching office of exchange at the expiration of thirty days from their receipt at the office of destination, and the country of origin may collect from the sender for the return of the parcel a sum equal to the postage when first mailed :

Provided, however, that parcels prohibited by Article II and those which do not conform to the conditions as to size, weight, and value prescribed by said Article, shall not be returned to the country of origin, but may be disposed of without recourse in accordance with the Customs Laws and Regulations of the country of destination.

When the contents of a parcel which cannot be delivered are liable to deterioration or corruption, they may be destroyed at once, if necessary, or, if expedient, sold, without previous notice or judicial formality, for the benefit of the right person, the particulars of each sale being noticed by one post-office to the other.

X. The Post Office Department of either of the contracting

countries will not be responsible for the loss or damage of any package; but either country is at liberty to indemnify the sender of any package which may be lost or destroyed on its territory.

XI. Each country shall retain to its own use the whole of the postages, registration, and delivery fees it collects on said packages; consequently this Convention will give rise to no separate accounts between the two countries.

XII. The Postmaster-General of the United States of America and the Director-General of Posts of Sweden shall have authority to jointly make such further regulations of order and detail as may be found necessary to carry out the present Convention from time to time, and may, by agreement, prescribe conditions for the admission in packages exchanged under this Convention of any of the articles prohibited by Article II.

XIII. This Convention shall take effect and operations thereunder shall begin on the 1st day of February, 1906, and shall continue in force until terminated by mutual agreement, but may be annulled at the desire of either Department upon six months' previous notice given to the other.

Done in duplicate, and signed at Stockholm the 14th day of November, 1905; and at Washington the 14th day of December, 1905.

(L.S.) E. VON KRUSENSTJERNA.

(L.S.) GEO. B. CORTELYOU, *Postmaster-General
of the United States of America.*

The foregoing Parcels-Post Convention between the United States of America and Sweden has been negotiated and concluded with my advice and consent, and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

(L.S.) THEODORE ROOSEVELT.

By the President :

ELIHU ROOT, *Secretary of State.*

Washington, December 21, 1905.

[Forms Nos. 1-3 not printed.]

EXCHANGE OF NOTES between the Governments of Great Britain and Italy, respecting the Settlement of the Southern Boundary of Abyssinia.—Rome, ^{January 29} _{February 9} 1903.

No. 1.—Sir R. Rodd to Signor Bonelli.

M. LE MINISTRE,

Rome, January 19, 1903.

WITH reference to the conversations which I have had with your Excellency and with Signor Agnesa, on the subject of the frontier between Abyssinia and the British East African Protectorate, I am authorized by His Majesty's Principal Secretary of State for Foreign Affairs to inform your Excellency that His Majesty's Government have every desire to work in accord with the Government of His Majesty the King of Italy in negotiating the settlement of this frontier, and to make no arrangements which would be prejudicial to Italian interests. His Majesty's Representative at Adis Ababa will receive renewed instructions in this sense.

I am also authorized to assure your Excellency that His Majesty's Government will not agree to any stipulation involving an alteration of the line of frontier laid down by the Anglo-Italian Protocol of the 24th March, 1891,* without informing the Italian Government of the proposed modifications, and obtaining their concurrence.

Trusting that these assurances will be satisfactory to the Italian Government, I avail, &c.

RENNELL RODD.

No. 2.—Signor Bonelli to Sir F. Bertie.

(Translation.)

M. L'AMBASSADEUR,

Rome, February 9, 1903.

I HAVE the honour to acknowledge the receipt of the note of the 29th January, in which Sir Rennell Rodd informs me that he had been authorized by the Principal Secretary of State for Foreign Affairs to state that the British Government have every desire to act in accord with the Italian Government in the negotiations for determining the boundaries between Abyssinia and the British East Africa Protectorate, and not to arrive at any agreement which might prejudice the interests of Italy. Further, that the Representative of His Britannic Majesty at Adis Ababa will receive fresh instructions in that sense.

Sir Rennell Rodd adds that he had also been authorized to assure me that the Government of His Britannic Majesty will make no

* Vol. LXXXIII, page 19.

stipulation which would involve an alteration in the line of frontier established by the Anglo-Italian Protocol of the 24th March, 1891, without previously informing the Italian Government of the proposed modifications, and obtaining their consent.

It is with pleasure that I take act of such declarations, begging your Excellency to make known to the Marquess of Lansdowne that they are, in the opinion of the King's Government, a fresh proof of that harmony of views which now governs the relations between the two friendly and allied Powers.

I avail, &c.

BONELLI.

EXCHANGE OF NOTES between the British and Italian Governments, respecting the Reciprocal Protection of duly registered Trade-marks in Morocco.—Tangier, June 4th, 1903.

No. 1.—M. de Malmusi to Sir A. Nicolson.

Tanger,

M. LE MINISTRE ET CHER COLLÈGUE,

le 13 Juin, 1903.

J'AI l'honneur de vous annoncer que le Gouvernement du Roi mon auguste Souverain donne son adhésion aux Accords conclus et résultant des Déclarations échangées en 1892, 1894, 1895, 1896, 1899, et 1900 entre les Légations de Sa Majesté Britannique, de France, de Portugal, de Belgique, d'Allemagne, d'Autriche-Hongrie, d'Espagne, les Consuls-Généraux des Pays-Bas et des États-Unis, au sujet de la protection réciproque de la propriété des marques de fabrique au Maroc.

1. En vertu de la juridiction civile et criminelle qui leur est acquise et qu'ils exercent en ce pays, les Consuls et Tribunaux Consulaires de Sa Majesté sont compétents à connaître de toute réclamation dont ils pourraient être saisis relativement aux contrefaçons de marques de fabrique commis par des nationaux Italiens.

2. Par conséquent, toute instance que les fabricants Anglais auraient à leur adresser pour obtenir la protection des marques de fabrique dûment enregistrées dans le Royaume vis-à-vis des nationaux Italiens sera dorénavant poursuivie devant le Tribunal Consulaire en première instance, et en dernier ressort devant la Cour Royale d'Appel à Gênes.

3. Le droit de propriété des marques de fabrique est réglé en Italie par la Loi du 20 Août, 1868.

Je vous prie, M. le Ministre, de vouloir bien prendre acte de la présente déclaration et de me faire opportunément connaître si les

nationaux Italiens jouiront auprès de l'autorité Consulaire de Sa Majesté Britannique la même protection légale en tout ce qui concerne à la propriété de leurs marques de fabrique dûment enregistrées en Angleterre.

Veuillez, &c.

MALMUSI.

No. 2.—Sir A. Nicolson to M. de Malmusi.

Tanger,

le 15 Juin, 1903.

M. LE MINISTRE ET CHER COLLÈGUE,

J'AI l'honneur d'accuser réception de votre lettre du 13 courant, par laquelle vous voulez bien m'informer que le Gouvernement Italien a donné son adhésion aux Accords conclus entre cette Légation et d'autres pays pour la protection réciproque des marques de fabrique au Maroc, et que toute instance que les fabricants Anglais auraient à adresser aux Consuls et aux Tribunaux Italiens pour obtenir la protection des marques de fabrique dûment enregistrées en Italie vis-à-vis des nationaux Italiens sera dorénavant poursuivie devant le Tribunal Consulaire en première instance, et en dernier ressort devant la Cour Royale d'Appel à Gênes.

En vous remerciant de cette communication je m'empresse de vous assurer que la protection sera également accordée au Maroc vis-à-vis les sujets ou protégés Britanniques aux marques de fabrique Italiens qui ont été dûment enregistrées en Angleterre conformément aux "Patents, Designs, and Trade-marks Acts, 1883* to 1888,"† et que des plaintes ou réclamations à ce sujet pourraient être adressées au Tribunal Consulaire Britannique en première instance, et en dernier ressort au Tribunal Suprême de Gibraltar.

Veuillez agréer, &c.

A. NICOLSON.

DENUNCIATION by Bolivia of the Treaty of Commerce with Belgium of the 17th August, 1860.—August 30, 1905.‡

PAR une communication officielle du 30 Août, 1905, le Gouvernement Bolivien a dénoncé le Traité d'Amitié, de Commerce et de Navigation conclu à Santiago du Chili le 17 Août, 1860,§ entre la Belgique et la Bolivie.

Le Gouvernement du Roi a donné acte de cette dénonciation.

* Vol. LXXIV, page 211.

† Vol. LXXIX, page 824.

‡ "Moniteur Belge," October 19, 1905.

§ Vol. LII, page 491.

En conformité de l'Article XXXII, le dit Traité cessera ses effets le 8 Janvier, 1907.

Certifié par le Secrétaire-Général
du Ministère des Affaires Étrangères,
CHEVALIER VAN DER ELST

*ARBITRATION CONVENTION between Belgium and
Denmark.—Signed at Brussels, April 26, 1905.**

[Ratifications exchanged at Brussels, May 2, 1906.]

SA Majesté le Roi de Danemark et Sa Majesté le Roi des Belges, désirant régler autant que possible par la voie de l'arbitrage les différends qui pourraient s'élever entre leurs pays, ont décidé de conclure à cet effet une Convention et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Danemark : M. Johan Wilhelm de Grevenkop-Castenskiold, son Chambellan et Chargé d'Affaires à Bruxelles, Chevalier de l'Ordre du Danebrog ; et

Sa Majesté le Roi des Belges : M. le Baron de Favereau, Chevalier de l'Ordre de Léopold, &c., Sénateur, son Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage établie à La Haye par la Convention du 29 Juillet, 1899,† les différends qui viendraient à s'élever entre elles dans les cas énumérés à l'Article III, pour autant qu'ils ne touchent ni aux intérêts vitaux ni à l'indépendance des pays contractants, et qu'une solution amiable n'ait pu être obtenue par des négociations diplomatiques directes ou par toute autre voie de conciliation.

II. Il appartient à chacune des Hautes Parties Contractantes d'apprécier si le différend qui se sera produit met en cause ses intérêts vitaux ou son indépendance, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

III. L'arbitrage sera obligatoire entre les Hautes Parties Contractantes :

* Signed also in the Danish language.

† Vol. XCI, page 970.

1. Sous les réserves indiquées à l'Article 1^{er}, en cas de contestations concernant l'application ou l'interprétation de toutes Conventions conclues ou à conclure entre elles, à l'exception de celles auxquelles des tierces Puissances auraient participé ou adhéré.

2. En cas de contestations concernant des réclamations pécuniaires, lorsque l'obligation du paiement est reconnue en principe par les Hautes Parties Contractantes et que le chiffre de la somme à payer est seul en contestation. Dans ce cas les Puissances signataires renoncent à invoquer les réserves mentionnées ci-dessus.

IV. La présente Convention recevrait son application, même si les contestations qui viendraient à s'élever avaient leur origine dans des faits antérieurs à sa conclusion.

V. Il est entendu que les Articles précédents ne seront pas applicables aux différends qui pourraient s'élever entre un ressortissant de l'une des Parties et l'autre État Contractant lorsque les Tribunaux auront, d'après la législation de cet État, compétence pour juger la contestation.

VI. Lorsqu'il y aura lieu à un arbitrage entre elles, les Hautes Parties Contractantes, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention signée à La Haye, le 29 Juillet, 1899, pour le règlement pacifique des conflits internationaux, sauf en ce qui concerne les points indiqués ci-après.

VII. Aucun des arbitres ne pourra être sujet des États signataires de la présente Convention, ni être domicilié dans leurs territoires, ni être intéressé dans les questions qui feront l'objet de l'arbitrage.

VIII. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme endéans lequel devra avoir lieu l'échange entre les deux Parties des mémoires et documents se rapportant à l'objet du litige. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

IX. Le compromis fixera la somme que les Hautes Parties Contractantes mettront immédiatement à la disposition du Bureau permanent de la Cour d'Arbitrage pour couvrir les frais de procédure conformément à l'Article LVII de la Convention du 29 Juillet, 1899.

X. La sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

XI. La présente Convention est conclue pour la durée de dix ans. Elle entrera en vigueur un mois après l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié six mois avant la fin de la dite période son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à

l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

XII. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Bruxelles.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à Bruxelles, en double exemplaire, le 26 Avril, 1905.

(L.S.) W. GREVENKOP-CASTENSKIOLD.

(L.S.) FAVEREAU.

CONVENTION D'EXTRADITION entre la Belgique et la Principauté du Monténégro.—Signée à Bruxelles, le 8
Cettigné, le 16 *Décembre, 1905.**

[Ratifications échangées à Bruxelles, le 14 Avril, 1906.]

SA Majesté le Roi des Belges et Son Altesse Royale le Prince du Monténégro, désirant d'un commun accord conclure une Convention à l'effet de régler l'extradition des prévenus, accusés et condamnés, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron de Favereau, Sénateur, son Ministre des Affaires Étrangères;

Son Altesse Royale le Prince du Monténégro, M. V. G. Voucovitch, son Ministre des Affaires Étrangères;

Lesquels, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Belge et Monténégrin s'engagent à se livrer réciproquement, dans les circonstances et les conditions établies par le présent Traité, les individus qui, étant poursuivis ou condamnés pour un crime ou un délit commis sur le territoire de la partie requérante, seront trouvés sur le territoire de l'autre partie.

Néanmoins, lorsque le crime ou délit donnant lieu à la demande d'extradition aura été commis hors du territoire du pays requérant, il ne pourra être donné suite à cette demande que si la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

II. Les crimes et les délits donnant lieu à extradition sont :

1. Assassinat, empoisonnement, parricide, infanticide, meurtre;
2. Coups portés ou blessures faites volontairement avec pré-

* "Moniteur Belge," 30 Avril, 1906.

méditation, ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte de l'usage absolu d'un organe, une mutilation grave, ou la mort sans intention de la donner ;

3. Administration volontaire et coupable, mais sans intention de donner la mort, de substances pouvant la donner ou altérer gravement la santé ;

4. Avortement ;

5. Viol, attentat à la pudeur commis avec violence, attentat à la pudeur commis sans violence sur la personne ou à l'aide de la personne de l'un ou de l'autre sexe, âgée de moins de 14 ans ; attentat aux mœurs en excitant, facilitant, ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption des mineurs de l'un ou de l'autre sexe ;

6. Bigamie ;

7. Enlèvement de mineurs ;

8. Enlèvement, recel, suppression, substitution ou supposition d'enfant ;

9. Exposition ou délaissement d'un enfant au-dessous de l'âge de 7 ans ;

10. Association de malfaiteurs ;

11. Vol, extorsion, escroquerie, abus de confiance, tromperie ;

12. Menaces d'attentat contre les personnes ou les propriétés punissables de la peine de mort, des travaux forcés, ou de la reclusion ;

13. Offres ou propositions de commettre un crime ou d'y participer, ou acceptation des dites offres ou propositions ;

14. Attentat à la liberté individuelle et à l'inviolabilité du domicile commis par des particuliers ;

15. Fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée, ainsi que les fraudes dans le choix des échantillons, pour la vérification du titre et du poids des monnaies ;

16. Contrefaçon ou falsification d'effets publics ou de billets de banque, de titres publics ou privés ; émission ou mise en circulation de ces effets, billets, ou titres contrefaits ou falsifiés ; faux en écriture ou dans les dépêches télégraphiques, et usage de ces dépêches, effets, billets, ou titres contrefaits, fabriqués, ou falsifiés ;

17. Contrefaçon ou falsification de sceaux, timbres, poinçons, marques, coupons pour le transport des personnes ou des choses, timbres-poste ou autres timbres adhésifs ; usage de ces objets contrefaits ou falsifiés ; usage préjudiciable des vrais sceaux, timbres, poinçons, et marques ; application méchante ou frauduleuse sur un objet d'art, un ouvrage de littérature ou de musique du nom d'un auteur ou de toute signe distinctif adopté par lui pour

désigner son œuvre ; vente, exposition en vente, détention dans les magasins, introduction sur le territoire, pour être vendus, des dits objets ;

18. Faux témoignage et fausses déclarations d'experts ou d'interprètes ; subornation de témoins, d'experts, ou d'interprètes ;

19. Faux serment ;

20. Concussion, détournement commis par des fonctionnaires publics ; corruption de fonctionnaires publics ;

21. Banqueroute frauduleuse et fraudes commises dans les faillites ;

22. Entraves volontaires à la circulation d'un convoi sur un chemin de fer par le dépôt d'objets quelconques, par le dérangement de rails ou de leurs supports, par l'enlèvement de chevilles ou clavettes, ou par l'emploi de tout autre moyen de nature à arrêter le convoi ou à le faire sortir des rails ;

23. Incendie volontaire ;

24. Destruction de constructions, machines à vapeur ou appareils télégraphiques, destruction ou dégradation de tombeaux, monuments, objets d'art, titres publics ou privés ; destruction ou détérioration de propriétés mobilières à l'aide de violences ou de menaces, destruction ou détérioration méchante ou frauduleuse de marchandises ou de matières servant à la fabrication ;

25. Destruction et dévastation de récoltes, plants, arbres, ou greffes ;

26. Destruction d'instruments d'agriculture, destruction ou empoisonnement de bestiaux ou autres animaux ;

27. Opposition à l'exécution de travaux publics ;

28. Abandon par le capitaine, hors les cas prévus par la loi des deux pays, d'un navire ou bâtiment de commerce ou de pêche ;

29. Echouement, perte, destruction par le capitaine ou les officiers et gens de l'équipage ; détournement par le capitaine d'un navire ou d'un bâtiment de commerce ou de pêche ; jet ou destruction sans nécessité de tout ou partie du chargement, des vivres, ou des effets du bord ; fausse route, emprunts sans nécessité sur le corps, avictuaillement, ou équipement du navire, ou mise en gage ou vente des marchandises ou victuailles, ou emploi dans les comptes d'avaries ou de dépenses supposées ; vente du navire sans pouvoir spécial, hors le cas d'innavigabilité ; vol commis à bord ; altération de vivres ou de marchandises commise à bord par le mélange de substances malfaisantes ; attaque ou résistance avec violence et voies de fait envers le capitaine par plus du tiers de l'équipage ; refus d'obéir aux ordres du capitaine ou officier du bord pour le salut du navire ou de la cargaison, avec coups et blessures ; complot contre la sûreté, la liberté ou l'autorité du capitaine ; prise du

navire par les marins ou passagers par fraude ou violence envers le capitaine ;

30. Recèlement des objets obtenus à l'aide d'un des crimes ou délits prévus par la présente Convention.

Sont comprises dans les qualifications précédentes la complicité et la tentative, lorsqu'elles sont punies par les législations des deux pays.

Dans tous les cas, crimes et délits, l'extradition ne pourra avoir lieu que lorsque le fait similaire sera punissable d'après la législation du pays auquel la demande est adressée.

III. Chaque Gouvernement est libre de refuser de livrer ses propres sujets à l'autre Gouvernement.

IV. L'extradition n'aura pas lieu :

1. Si, depuis les faits imputés, le dernier acte de poursuite, ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays où le prévenu s'est réfugié, au moment où la remise pourrait avoir lieu ;

2. Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclaté a été poursuivi et mis hors de cause, ou est encore poursuivi ou a déjà été jugé dans le pays auquel l'extradition est demandée.

V. Si l'individu réclaté est poursuivi ou condamné dans le pays requis, pour une infraction autre que celle qui a donné lieu à la demande d'extradition, son extradition pourra être différée, jusqu'à la fin de la poursuite, et, en cas de condamnation, jusqu'au moment où il aura subi sa peine.

Dans le cas où il serait poursuivi ou détenu dans le même pays à raison d'obligations contractées envers des particuliers, son extradition aura lieu néanmoins sous réserve, pour ceux-ci, de faire valoir ensuite leurs droits devant l'autorité compétente.

VI. L'extradition ne sera pas accordée si l'infraction pour laquelle elle est demandée est considérée par la partie requise comme un délit politique ou un fait connexe à un semblable délit.

L'étranger dont l'extradition aura été accordée ne pourra être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

Ne sera pas réputé délit politique ni fait connexe à un semblable délit, l'attentat contre la personne du Chef d'un État étranger, ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, ou d'empoisonnement.

L'individu extradé pourra toutefois être poursuivi ou puni contradictoirement dans les cas suivants pour une infraction autre que celle qui a motivé l'extradition :

1. S'il a demandé à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livré ;

2. S'il n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel il a été livré ;

3. Si l'infraction est comprise dans la Convention, et si le Gouvernement auquel il a été livré a obtenu préalablement l'adhésion du Gouvernement qui a accordé l'extradition. Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VIII de la présente Convention.

La réextradition à un pays tiers est soumise aux mêmes règles.

VII. La demande d'extradition sera toujours adressée par la voie officielle, sans préjudice du recours éventuel à la voie diplomatique ou consulaire.

VIII. L'extradition sera accordée sur la production de l'original ou de l'expédition authentique soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil, de l'arrêt de la Chambre des mises en accusation, ou de l'acte de procédure criminelle émané du Juge compétent, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive. Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre acte ayant la même force, décerné par l'autorité étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

Ces pièces seront légalisées par le Ministre des Affaires Étrangères de l'État requérant, et, le cas échéant, par l'Agent Diplomatique ou Consulaire du dit État. Elles seront accompagnées d'une copie du texte de la loi applicable au fait incriminé, et, le cas échéant, d'une traduction en langue Française, et, autant que possible, du signalement de l'individu réclamé ou de toute autre indication de nature à constater son identité.

IX. En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou le télégraphe, de l'existence d'un des documents mentionnés à l'Article VIII, à la condition toutefois que cet avis sera régulièrement donné au Ministre des Affaires Étrangères du pays requis.

Cette arrestation sera facultative, si la demande est parvenue directement à une autorité judiciaire ou administrative de l'un des deux pays.

L'arrestation provisoire aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement requis. Elle cessera d'être maintenue si, dans le délai de trois semaines à partir du moment où elle aura été effectuée, l'inculpé n'a pas reçu com-

munication de l'un des documents mentionnés à l'Article VIII de la présente Convention.

X. Quand il y aura lieu à extradition, tous les objets provenant du crime ou du délit, ou pouvant servir de pièces à conviction, qui seront trouvés en la possession de l'individu réclamé au moment de son arrestation, ou qui seront découverts ultérieurement, seront, si l'autorité compétente de l'État requis en ordonne ainsi, saisis et remis à l'État requérant.

Cette remise pourra se faire même si l'extradition ne peut s'accomplir par suite de l'évasion ou de la mort de l'individu réclamé.

Sont cependant réservés les droits que des tiers auraient pu acquérir sur les dits objets, qui devront, le cas échéant, leur être rendus, sans frais, à la fin du procès.

XI. Les frais d'arrestation, d'entretien, et de transport de l'individu dont l'extradition aura été accordée, ainsi que ceux de consignation et de transport des objets qui, aux termes de l'Article précédent, doivent être restitués ou remis, resteront à la charge des deux États dans les limites de leurs territoires respectifs.

Les frais de transport ou autres sur le territoire des États intermédiaires sont à la charge de l'État réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port de l'État requis que désignera le Gouvernement requérant, aux frais duquel il sera embarqué. Le prisonnier sera mis en liberté si, dans les deux mois à compter du jour où il aura été placé à la disposition du Gouvernement réclamant, il n'a pas été emmené dans le pays requérant.

XII. L'extradition par voie de transit sur les territoires respectifs des États contractants d'un individu n'appartenant pas au pays de transit sera accordée sur la simple production, en original ou en expédition authentique, de l'un des documents mentionnés dans l'Article VIII, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les prévisions des Articles IV et VI.

Les frais de transit seront à la charge de la partie requérante.

XIII. Lorsque dans la poursuite d'une affaire pénale non politique l'audition de personnes se trouvant dans l'un des deux pays, ou tout autre acte d'instruction, seront jugés nécessaires, une Commission Rogatoire, le cas échéant accompagnée d'une traduction en langue Française, sera adressée à cet effet par la voie officielle, sans préjudice du recours éventuel à la voie diplomatique ou consulaire, et, à moins que le Gouvernement requis ne constate l'impossibilité de la faire exécuter, il y sera donné suite en observant les lois du pays dans lequel l'audition ou l'acte d'instruction devra avoir lieu.

Toutefois, les Commissions Rogatoires tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à conviction, ne pourront être exécutées que pour un des faits énumérés à l'Article II et sous la réserve exprimée au dernier paragraphe de l'Article X ci-dessus.

Les Gouvernements respectifs renoncent au remboursement des frais résultant de l'exécution des Commissions Rogatoires en matière pénale, même dans le cas où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entraîné plus d'une vacation.

XIV. En matière pénale non politique lorsque le Gouvernement de l'un des deux pays jugera nécessaire la notification d'une acte de procédure ou d'un jugement à un individu résidant sur le territoire de l'autre pays, la pièce transmise par la voie officielle, sans préjudice du recours éventuel à la voie diplomatique ou consulaire, et, le cas échéant, accompagnée d'une traduction en langue Française, sera signifiée à personne à la requête du Ministère public du lieu de la résidence par les soins d'un officier compétent, et l'original constatant la notification sera renvoyé par la même voie au Gouvernement requérant sans restitution des frais.

XV. Si dans une cause pénale non politique la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite.

Quant à l'indemnité à accorder au témoin un accord interviendra dans chaque cas particulier entre le Gouvernement requérant et le Gouvernement requis.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les Juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits, objet du procès où il figurera comme témoin.

XVI. Lorsque, dans une cause pénale non politique instruite dans l'un des deux pays, la communication de pièces de conviction ou de documents se trouvant entre les mains des autorités de l'autre pays sera jugée nécessaire ou utile, la demande en sera faite par la voie officielle, sans préjudice du recours éventuel à la voie diplomatique ou consulaire, et l'on y donnera suite, à moins des considérations particulières ne s'y opposent et sous l'obligation de renvoyer les pièces et documents.

Les Gouvernements contractants renoncent au remboursement des frais résultant, dans les limites de leurs territoires respectifs, de l'envoi et de la restitution des pièces de conviction et documents.

XVII. Les deux Gouvernements s'engagent à se communiquer réciproquement, sans restitution de frais, les condamnations pour crimes ou délits de toute espèce qui auront été prononcées par les Tribunaux de l'un des deux États contre les sujets de l'autre.

Cette communication sera effectuée moyennant l'envoi par la voie diplomatique d'un bulletin ou extrait, le cas échéant, accompagné d'une traduction en langue Française, de la décision définitive au Gouvernement du pays auquel appartient le condamné.

XVIII. Le présent Traité entrera en vigueur dix jours après sa publication dans les formes prescrites par les lois des deux pays.

Chacune des Parties Contractantes pourra en tout temps le dénoncer en prévenant l'autre Partie de son intention six mois à l'avance.

Il sera ratifié, et les ratifications en seront échangées le plus tôt possible.

En foi de quoi les Soussignés ont dressé le présent Traité et y ont apposé leur sceau.

Fait en double exemplaire, à Bruxelles, le 8 Décembre, 1905, et à Cettigné, le 3 Décembre, 1905 (v. s.).

(L.S.) DE FAVEREAU.

(L.S.) V.-G. VOUCOVITCH.

URUGUAYAN NOTIFICATION as to the continued Validity of the Treaty of Commerce with Belgium of the 16th September, 1853.—Monte Video, November 3, 1905.*

(Translation.)

ALTHOUGH it may possibly have been understood that since the year 1863 the Treaty of Friendship, Commerce, and Navigation concluded between the Oriental Republic of Uruguay and the Kingdom of Belgium had ceased to take effect owing to the lapse of the five years which the third Additional Article fixed for the duration of the said Treaty, the Government of the Republic recognizes it to be still in force, since the said Additional Article does not constitute the repeal or total annulment, but only a partial annulment, of Article XXIX, under which the period of ten years was fixed. This, however, has no reference to the continuation of the same Treaty for twelve months from the day on which one of the two Contracting Parties may notify by official declaration its intention to terminate it.

BATLLE Y ORDONEZ.

JOSÉ ROMEU.

FRENCH DECREE supplementary to the Decree of the 20th February, 1902, respecting Prospecting and Mining for Gold and other Precious Metals and Precious Stones in Madagascar.—Paris, June 23, 1905.†*

LE Président de la République Française :

Vu l'Arrêté en date du 3 Juin, 1905, par lequel le Gouverneur-Général de Madagascar a, par application de l'Article 6 du Décret du 20 Février, 1902, interdit les travaux de recherches et d'exploitation de l'or, des métaux précieux, et des pierres précieuses dans les terrains restant actuellement libres sur toute l'étendue de la Colonie ;

Considérant qu'il y a lieu, toutefois, de maintenir les droits de priorité que leurs explorations peuvent valoir aux prospecteurs pour l'obtention ultérieure de permis de recherches ;

Décète :

ART. 1^{er}. Les demandes de permis de recherche des gîtes naturels d'or, des métaux précieux, et de pierres précieuses à Madagascar formulées dans les conditions du Titre II du Décret du 20 Février, 1902, seront, nonobstant les stipulations contenues dans l'Arrêté du Gouverneur-Général de Madagascar en date du 3 Juin, 1905, reçues et enregistrées ainsi qu'il est stipulé à l'Article 12 du Décret précité, mais n'auront d'autre effet que de fixer la priorité des demandes et le droit éventuel pour les demandeurs à l'obtention de permis de recherches suivant les dispositions de la nouvelle réglementation à intervenir sur la matière. Il ne sera statué sur ces demandes de permis de recherches qu'après la promulgation à Madagascar de la dite réglementation.

2. L'Arrêté du Gouverneur-Général de Madagascar en date du 3 Juin, 1905, est réformé en tout ce qui est contraire aux dispositions de l'Article 1^{er} du présent Décret.

3. Le Ministre des Colonies est chargé de l'exécution du présent Décret.

Fait à Paris, le 23 Juin, 1905.

ÉMILE LOUBET.

Par le Président de la République :

CLÉMENTEL, *Ministre des Colonies.*

* Vol. XCV, page 958.

† Published in the French "Journal Officiel," June 25, 1905. Abrogated by Decree of November 23, 1905, page 696.

*FRENCH DECREE amending the Decree of the 20th February, 1902, relating to Prospecting and Mining for Gold and other Precious Metals and Precious Stones in Madagascar.—Paris, November 23, 1905.**

LE Président de la République Française :

Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854 ;

Vu le Décret du 11 Décembre, 1895, déterminant les pouvoirs du Résident-Général de Madagascar ;

Vu le Décret du 30 Juillet, 1897, créant l'emploi de Gouverneur-Général de Madagascar et dépendances et en fixant les attributions ;

Vu les Décrets des 28 Décembre, 1895, 9 Juin, 1896, et 25 Octobre, 1898, relatifs à l'organisation du service de la justice à Madagascar ;

Vu la Loi du 6 Août, 1896, déclarant Madagascar et les îles qui en dépendent Colonie Française ;

Vu le Décret du 16 Juillet, 1897, portant règlement sur la propriété foncière dans la Colonie de Madagascar et dépendances ;

Vu l'Arrêté local du 4 Novembre, 1897, rendu en exécution du Décret susvisé ;

Vu les Décrets des 3 Août, 1896, et 6 Mars, 1897, instituant un Conseil d'Administration près le Résident-Général de Madagascar ;

Vu le Décret du 20 Février, 1902,† portant réglementation de la recherche et de l'exploitation de l'or, des métaux précieux et des pierres précieuses à Madagascar ;

Vu le Décret du 23 Juin, 1905,‡ portant dispositions complémentaires au Décret du 20 Février, 1902 ;

Sur le rapport du Ministre des Colonies :—

Décète :

ART. 1^{er}.—Sont modifiés comme suit les Articles suivants du Décret du 20 Février, 1902 :—

“Article 1^{er}. La recherche et exploitation des gisements naturels d'or, de métaux précieux, tels que l'argent et le platine, et des pierres précieuses en alluvions, amas, couches ou filons, existant dans le territoire de la Colonie de Madagascar sont soumises aux dispositions du présent Décret.

“La recherche et l'exploitation des autres substances minérales sont soumises à un Décret Spécial.

* “Journal Officiel,” November 24, 1905.

† Vol. XCV, page 958.

‡ Page 695.

“Si un gisement contient à la fois des métaux précieux et des métaux usuels, le Gouverneur-Général décidera, après enquête, auquel des deux Décrets doit être soumise son exploitation.

“Sont considérés comme gisements filoniens les couches ou filons de quartz ou autre roche en place contenant de l’or ou autres métaux précieux ou pierres précieuses.

“Tous autres gisements sont considérés comme gisements alluvionnaires.

“Article 2. Les Européens et assimilés ont le droit d’obtenir des permis de recherche et d’exploitation des mines dans les conditions du présent Décret; les indigènes et assimilés doivent au préalable être autorisés par le Gouverneur-Général.

“Il est interdit au personnel de l’État ou de la Colonie en service à Madagascar et dans ses dépendances de prendre des intérêts directs ou indirects dans la recherche ou l’exploitation des mines.

“Article 3. Les sociétés formées pour la recherche et l’exploitation des mines doivent être constituées conformément aux lois Françaises et avoir leur siège social, soit en France, soit dans les Colonies Françaises.”

“Article 6. Le Gouverneur-Général peut, par Arrêté pris en Conseil d’Administration, fermer certaines régions à la recherche, soit pour une durée déterminée, soit *sine die*. Dans ce dernier cas, l’Arrêté est soumis à la ratification du Ministre des Colonies. Tous travaux de recherche sont interdits dans ces régions.

“Tous travaux de recherche et d’exploitation sont, en outre, interdits à l’intérieur et dans une zone de 50 mètres à l’entour des propriétés closes, maisons, puits, lieux de sépulture, voies de communication et tous travaux d’utilité publique ou ouvrages d’art.

“Mais cette interdiction peut être levée ou la distance de 50 mètres réduite, de l’assentiment du propriétaire, s’il s’agit de propriété privée, et du Gouverneur-Général ou de son délégué, s’il s’agit du domaine public.”

“Article 9. Le permis de recherche donne le droit exclusif de faire, sous réserve des droits antérieurs et sauf les interdictions stipulées à l’Article 6, tous travaux de fouilles et de sondages à toute profondeur à l’intérieur d’un périmètre délimité par un cercle de 1 kilom. de rayon.

“Article 10. L’occupation d’un périmètre de recherche doit, pour être valable, avoir été, préalablement à l’envoi de la demande de permis, matériellement marquée sur le sol d’une façon bien apparente.

“A cet effet il doit être planté au centre du cercle un poteau-signal avec écriteau portant, en langue Française, l’indication de l’objet de la recherche, le nom de la personne ou société pour qui sera demandé le permis et la date de la pose du poteau-signal.

“ Un poteau-signal ne peut être placé à moins de 1 kilom. de tout poteau-signal déjà établi, non plus qu'à l'intérieur d'un périmètre d'exploitation préexistant.

“ Aucun poteau-signal ne peut être placé dans une région fermée *sine die* à la recherche.”

“ Article 13. Les demandes de permis de recherche qui s'appliqueraient à des périmètres situés dans une région fermée *sine die* à la recherche sont nulles et non avenues de plein droit, et il ne leur est donné aucune suite.

“ Il est sursis à statuer sur les demandes de permis de recherche s'appliquant à des régions fermées à la recherche pour une durée déterminée, jusqu'à la réouverture de ces régions, et il est alors procédé comme il est dit ci-après, en tenant compte de l'ordre de priorité de ces demandes, conformément aux dispositions de l'Article précédent.

“ En ce qui concerne les demandes de permis de recherche dans les terrains libres, le Chef du Service des Mines, après avoir reconnu la régularité de la demande, adresse au demandeur un ordre de versement de la somme de 25 fr. pour droit de permis de recherche.

“ La quittance attestant que le paiement de cette somme a été effectué dans une caisse publique de la Colonie doit être envoyé au Chef du Service des Mines.

“ Sur le vu de cette quittance, le Chef du Service des Mines établit le permis de recherche.

“ Si, par la faute du demandeur, la quittance n'est pas reçue trois mois après l'envoi de l'ordre de versement, la demande est annulée de plein droit.

“ Article 14. Le permis de recherche est valable pour un an à compter du jour de sa délivrance.

“ La durée de sa validité peut être prorogée par période d'un an et deux fois au maximum, quels que soient les titulaires entre les mains desquels aura passé le permis, et moyennant le paiement d'un droit de 100 fr. pour la première prorogation et de 250 fr. pour la deuxième.”

“ Article 19. La demande de permis d'exploitation doit être adressée par le titulaire du permis de recherche, ou par son mandataire régulier, au Commissaire des Mines duquel relève le terrain demandé. Elle doit être accompagnée d'un plan complet à l'échelle de $\frac{1}{10000}$ du périmètre sollicité, rapporté au nord vrai et sur lequel sera indiqué l'emplacement du poteau-signal. Elle doit, en outre, faire connaître la nature et le caractère du gisement.

“ Un Arrêté du Gouverneur-Général pris en Conseil d'Administration sur la proposition du Chef du Service des Mines fixe le caractère du gisement et, s'il y a lieu, la surface partielle à laquelle sera faite

l'application de la taxe spéciale prévue à l'Article 23 ci-après pour les gisements filoniens.

“ Sur le vu de cet Arrêté le permis d'exploitation est délivré, dans le plus bref délai possible, par le Commissaire des Mines de la circonscription minière.

“ Le permis sera refusé si, par la faute de l'intéressé, la demande parvient après l'expiration du permis de recherche ou si elle ne satisfait pas aux conditions ci-dessus définies.

“ Des modifications ultérieures peuvent d'ailleurs être apportées dans la même forme à l'Arrêté précité, soit sur la demande du permissionnaire, soit si des découvertes nouvelles de gisements filoniens le justifient, sur la proposition du Chef du Service des Mines.”

“ Article 22. Tout permissionnaire doit tenir à jour, pour chaque périmètre d'exploitation ou de recherche, s'il y a lieu, un registre d'extraction et un registre de vente ou d'expédition, dressés dans les formes qu'indiquera un Arrêté du Gouverneur-Général, et qui devront être cotés et paraphés par le Commissaire des Mines.

“ Ces registres doivent être présentés à toute réquisition des Agents du Service des Mines, ou de tous autres Agents de l'Administration spécialement délégués à l'effet de les vérifier.

“ Tout permissionnaire doit porter sans délai à la connaissance du Commissaire des Mines l'existence des gisements filoniens qui auraient été reconnus dans l'étendue de son périmètre.

“ Article 23. Toute exploitation est soumise aux taxes suivantes :

“(1.) Taxe superficielle annuelle par hectare, toute fraction d'hectare comptant pour 1 hectare, fixée à 2 fr. pour les gisements alluvionnaires et à 100 fr. pour les gisements filoniens.

“ La taxe de 100 fr. s'applique uniquement à la surface des gisements filoniens proprement dits, telle qu'elle est déterminée par l'Arrêté visé à l'Article 19 ci-dessus, le reste de la superficie du périmètre d'exploitation étant taxé au même taux que les gisements alluvionnaires.

“(2.) Taxe de 5 pour cent de la valeur des matières extraites au lieu d'extraction.

“ Les bases de l'évaluation de cette taxe seront déterminées chaque année par Arrêté du Gouverneur-Général.

“(3.) Taxe de 5 pour cent sur la partie du produit net annuel de l'exploitation dépassant 250,000 fr.

“ Cette taxe sera perçue sur le produit net, tel qu'il est défini par les lois applicables à cet objet dans la métropole, de toutes les exploitations minières possédées ou exploitées par la même personne ou par la même société.

“ Article 24. Les taxes superficielles prévues à l'Article 23 seront

payables par trimestre échu, à partir de la date de la délivrance du permis d'exploitation, sur un ordre de versement établi par le Commissaire des Mines.

“ La taxe de 5 pour cent prévue au paragraphe 2 de l'Article 23 ci-dessus est calculée sur la production de chaque trimestre ainsi qu'il est indiqué à l'Article 25 ci-dessous, sans pouvoir être inférieure à 250 fr. par trimestre pour chaque exploitation.

“ Toutefois, des exonérations ou modérations de cette même taxe de 5 pour cent pourront être accordées, par voie de détaxe, sur la demande des intéressés, par Arrêtés du Gouverneur-Général en Conseil d'Administration, pour les exploitations de gisements filoniens, qui, d'après justifications, n'auraient, en raison des dépenses occasionnées par les installations faites sur place, donné aucun produit net pendant l'année écoulée. Cette taxe de 5 pour cent est payable par trimestre échu à partir de la date de délivrance du permis d'exploitation.

“ Toutefois, une somme égale au minimum fixé pour un trimestre est exigible d'avance et reste dans la caisse de la Colonie jusqu'à la liquidation du compte du dernier trimestre d'exploitation ; l'ordre de versement de cette somme est remis à l'exploitant en même temps que le permis d'exploitation.

“ Dans les cas de mise en vente de l'exploitation par le Commissaire des Mines, visés à titre VI, cette somme de 250 fr. restera acquise à la Colonie à titre d'amende, sans venir en déduction des sommes dues.

“ Article 25. Après l'expiration de chaque trimestre à compter de la date de la délivrance du permis d'exploitation, et dans un délai maximum d'un mois, tout permissionnaire doit adresser, pour chaque exploitation, au Commissaire des Mines duquel relève cette exploitation, l'indication du total de sa production dans le trimestre écoulé.

“ C'est sur cette base et après vérification qu'est établi par le Commissaire des Mines, conformément à l'Article 23 ci-dessus, l'ordre de versement pour le trimestre écoulé, de la taxe de 5 pour cent sur les matières extraites.

“ Après l'expiration de chaque année à compter de la date de délivrance du permis d'exploitation et dans un délai maximum de dix mois, tout permissionnaire doit adresser au Gouverneur-Général de la Colonie tous les renseignements nécessaires à l'établissement, s'il y a lieu, de la taxe sur le produit net instituée par l'Article 23 ci-dessus.

“ C'est sur ces bases, et après vérification qu'est établi, conformément à l'Article 23 ci-dessus, l'ordre de versement pour l'année écoulée.

“ Le Gouverneur-Général peut d'ailleurs procéder à toutes les

vérifications nécessaires pour contrôler l'exactitude des chiffres fournis par l'exploitant.

“ Article 26. Tout exploitant qui veut abandonner son exploitation doit en faire la déclaration au Commissaire des Mines et lui retourner le permis d'exploitation.

“ Le Commissaire des Mines notifie l'abandon au conservateur de la propriété foncière, et l'exploitation abandonnée fait retour aux terrains ouverts à la recherche, si elle n'est grevée d'aucun droit réel.

“ Les taxes superficielles, ainsi que la taxe de 5 pour cent sur les matières extraites, seront exigibles pour tout le trimestre en cours.

“ Si le montant de cette dernière taxe pour le dernier trimestre excède le minimum prévu par l'Article 24, la différence seule donnera lieu à l'établissement d'un ordre de versement.”

2. Les titulaires de permis de recherche délivrés antérieurement à la date de la promulgation du présent Décret pourront, jusqu'au 31 Décembre, 1906, obtenir des permis d'exploitation s'appliquant à des périmètres définis comme il est dit à l'Article 18 du Décret du 20 Février, 1902. Ils seront d'ailleurs soumis aux redevances fixées par le présent Décret.

Les titulaires de permis d'exploitation délivrés antérieurement à la date de la promulgation du présent Décret pourront, jusqu'au 31 Décembre, 1908, obtenir, sur leur demande, la réduction des surfaces de leurs périmètres d'exploitation. Il sera procédé comme il est stipulé à l'Article 26 du Décret du 20 Février, 1902, modifié par le présent Décret. Ces permissionnaires resteront uniquement soumis, jusqu'au 31 Décembre, 1908, et nonobstant les dispositions contraires du présent Décret, à la taxe d'exploitation fixée par l'Article 23 du Décret du 20 Février, 1902.

3. Le Gouverneur-Général de Madagascar prend tous les arrêtés nécessaires à l'application du présent Décret.

4. Sont abrogés le Décret du 23 Juin, 1905,* ainsi que toutes dispositions antérieures contraires au présent Décret.

5. Le Ministre des Colonies est chargé de l'exécution du présent Décret, qui sera publié au “ Journal Officiel ” de la République Française, ainsi qu'au “ Journal Officiel ” de Madagascar, et inséré au “ Bulletin des Lois ” et au “ Bulletin ” du Ministère des Colonies.

Fait à Paris, le 23 Novembre, 1905.

ÉMILE LOUBET.

Par le Président de la République :

CLÉMENTEL, *Ministre des Colonies.*

*CONVENTION entre la France et la Belgique modifiant la
Délimitation de la Frontière Franco-Belge entre Chimay
(les Rières) et Neuville-aux-Tourneurs.—Signée à Paris, le
12 Avril, 1905.*

[Ratifications échangées à Paris, le 10 Janvier, 1906.]

LE Président de la République Française et Sa Majesté le Roi des Belges, ayant reconnu l'utilité d'une vérification de la frontière Franco-Belge décrite dans l'Article 40 du "procès-verbal de la délimitation entre les Royaumes des Pays-Bas et de France, comprenant la partie entre la Sambre et la Meuse ou la quatrième section," annexé au Traité de Limites signé à Courtrai, le 28 Mars, 1820,* et ayant fait procéder aux études préliminaires, ont résolu de consacrer par une Convention les résultats de ces travaux. A cet effet ils ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, M. Th. Delcassé, Député, Ministre des Affaires Étrangères ; et

Sa Majesté le Roi des Belges, M. A. Leghait, son Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :—

ART. I. Sont approuvés :

1. Le Rapport de la Commission Internationale chargée de la rectification de la frontière Franco-Belge, le long du ruisseau "Le Ry de France," séparant les communes de Rières (les) (Belgique), et de Neuville-aux-Tourneurs (France), signé à Hirson (France) le 9 Décembre, 1904 ;

2. Le plan joint au dit Rapport du 9 Décembre, 1904, à l'échelle de $\frac{1}{10000}$;

3. Les cessions réciproques de territoire telles qu'elles ont été arrêtées de commun accord par les Délégués des deux pays dans le Rapport précité.

II. La présente Convention sera soumise à l'approbation des pouvoirs législatifs des deux pays ; elle sera ratifiée et les ratifications seront échangées à Paris, aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Paris, en double exemplaire, le 12 Avril, 1905.

(L.S.) DELCASSÉ.

(L.S.) A. LEGHAIT.

DECLARATION between the Governments of France and Spain, respecting the Integrity of Morocco.—Signed at Paris, October 3, 1904.

LE Gouvernement de la République Française et le Gouvernement de Sa Majesté le Roi d'Espagne, s'étant mis d'accord pour fixer l'étendue des droits et la garantie des intérêts qui résultent, pour la France, de ses possessions Algériennes, et, pour l'Espagne, de ses possessions sur la côte du Maroc, et le Gouvernement de Sa Majesté le Roi d'Espagne ayant en conséquence donné son adhésion à la Déclaration Franco-Anglaise du 8 Avril, 1904,* relative au Maroc et à l'Égypte, dont communication lui avait été faite par le Gouvernement de la République Française, déclarent qu'ils demeurent fermement attachés à l'intégrité de l'Empire Marocain sous la souveraineté du Sultan.

En foi de quoi les Soussignés, son Excellence le Ministre des Affaires Étrangères et son Excellence l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Espagne près le Président de la République Française, dûment autorisés à cet effet, ont dressé la présente Déclaration, qu'ils ont revêtue de leurs cachets.

Fait, en double exemplaire, à Paris, le 3 Octobre, 1904.

(L.S.) DELCASSÉ.

(L.S.) F. DE LÉON Y CASTILLO

TREATY of Commerce, Customs, and Navigation between Germany and Bulgaria.† — Signed at Berlin, August 1, 1905.‡

[Ratifications exchanged at Berlin.]

SA Majesté l'Empereur d'Allemagne, Roi de Prusse, au nom de l'Empire Allemand, d'une part, et Son Altesse Royale le Prince de Bulgarie d'autre part, désirant développer les relations commerciales entre l'Allemagne et la Bulgarie par la conclusion d'un Traité de Commerce, de Douane et de Navigation, sont entrés en négociations à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse : M. O. de

* Vol. XCVII, page 39.

† Signed also in the German language.

‡ "Reichs-Gesetzblatt," No. 1, January 12, 1906.

Mühlberg, son Conseiller intime actuel, Sous-Secrétaire d'État au Département des Affaires Étrangères ; et

Son Altesse Royale le Prince de Bulgarie : M. N. Nikyphoroff, Général, son Agent Diplomatique à Berlin ; M. G. Danaïloff, Professeur à l'Université de Sophia ; M. J. Tchacaloff, Chef de Section au Ministère des Finances ; et M. R. Kosseff, Chef de Section au Ministère du Commerce et de l'Agriculture ;

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I.* Il y aura pleine liberté de commerce et de navigation entre les deux pays ; les ressortissants des Parties Contractantes ne seront pas soumis à raison de leur commerce et de leur industrie dans les ports, villes et autres lieux du pays respectif, soit qu'ils s'y établissent, soit qu'ils y résident temporairement, à des droits, taxes, impôts ou patentes, sous quelque dénomination que ce soit, autres ni plus élevés que ceux qui seront perçus sur les nationaux ou les ressortissants de la nation la plus favorisée ; les privilèges, immunités et autres faveurs dont jouiraient en matière de commerce et d'industrie les ressortissants de l'une des Parties Contractantes ou de la nation la plus favorisée seront communs à ceux de l'autre.

Les dispositions précédentes ne sont pas applicables aux pharmaciens, aux courtiers de commerce et agents de change, aux cabaretiers de village, aux colporteurs et autres personnes qui professent une industrie ambulante ; ces industriels jouiront du même traitement que les ressortissants, exerçant la même profession, de l'État le plus favorisé.

Il est entendu que les dispositions précédentes ne dérogent en rien aux lois, ordonnances et règlements spéciaux en matière de commerce et d'industrie qui sont ou seront en vigueur dans chacun des deux pays. Ces lois, ordonnances ou règlements ne pourront en aucun cas être appliqués à l'égard des ressortissants de l'une des Parties Contractantes d'une manière plus rigoureuse ou moins favorable qu'aux ressortissants de la nation la plus favorisée ou aux nationaux.

II. Pour ce qui concerne le droit d'acquérir, de posséder ou d'aliéner toute espèce de propriété mobilière ou immobilière, les Allemands en Bulgarie et les Bulgares en Allemagne jouiront des droits des nationaux, sans être assujettis à des taxes, impôts ou charges, sous quelque dénomination que ce soit, autres ou plus élevés que ceux qui sont ou seront établis sur les nationaux.

Les ressortissants de chacune des deux Parties Contractantes auront le droit, en se conformant aux lois du pays, d'ester en justice devant les tribunaux, soit pour intenter une action, soit

* See also Final Protocol, page 713.

pour s'y défendre, et, à cet égard, ils jouiront de tous les droits et immunités des nationaux ou des ressortissants de la nation la plus favorisée.

III. Les sociétés par actions (anonymes) et autres associations commerciales, industrielles ou financières, domiciliées dans l'un des deux pays et à condition qu'elles y aient été valablement constituées, conformément aux lois en vigueur, seront reconnues comme ayant l'existence légale dans l'autre pays, et elles y auront notamment le droit d'ester en justice devant les tribunaux, soit pour intenter une action, soit pour s'y défendre.

Il est entendu, toutefois, que la stipulation qui précède ne concerne point la question de savoir si une pareille société, constituée dans l'un des deux pays, sera admise ou non dans l'autre pays pour y exercer son commerce ou son industrie, cette admission restant toujours soumise aux prescriptions qui existent ou existeront à cet égard dans ce dernier pays.

En tout cas les dites sociétés et associations jouiront dans l'autre pays des mêmes droits qui sont ou seraient accordés aux sociétés similaires d'un pays quelconque.

IV.* Les négociants, fabricants et autres industriels qui prouvent, par l'exhibition d'une carte de légitimation industrielle, délivrée par les autorités de leur pays, que dans l'État où ils ont leur domicile ils sont autorisés à exercer leur commerce ou industrie et qu'ils acquittent les taxes et impôts légaux, auront le droit personnellement, ou par des voyageurs à leur service, de faire des achats dans les territoires de l'autre Partie Contractante chez des négociants ou dans les locaux de vente publics ou chez les personnes qui produisent ces marchandises. Ils pourront aussi prendre des commandes, même sur échantillons, chez les négociants ou autres personnes dans l'exploitation industrielle desquels les marchandises du genre offert trouvent leur emploi. Ni dans un cas ni dans l'autre ils ne seront astreints à acquitter pour cela une taxe spéciale plus élevée que les nationaux ou les ressortissants de la nation la plus favorisée.

Les industriels (voyageurs de commerce) munis d'une carte de légitimation industrielle ont le droit d'avoir avec eux des échantillons, mais non des marchandises.

Les cartes de légitimation industrielle devront être établies conformément au modèle de l'Annexe (A) et rédigées en Allemand ou en Français.

Les Parties Contractantes se donneront réciproquement connaissance des autorités chargées de délivrer les cartes de légitimation, ainsi que des dispositions auxquelles les voyageurs doivent se conformer dans l'exercice de leur commerce.

Les dispositions ci-dessus ne sont pas applicables aux industries

* See also Final Protocol, page 713.

ambulantes non plus qu'au colportage et à la recherche des commandes chez des personnes n'exerçant ni commerce ni industrie.

Les objets passibles d'un droit de douane qui seront importés comme échantillons par les voyageurs de commerce seront, de part et d'autre, admis en franchise de droits d'entrée et de sortie, à la condition que ces objets, sans avoir été vendus, soient réexportés dans un délai de douze mois et que l'identité des objets importés et réexportés ne soit pas douteuse, quel que soit, du reste, le bureau de douane par lequel ils passent à leur sortie.

La réexportation des échantillons devra être garantie dans les deux pays à l'entrée, soit par le dépôt du montant des droits de douane respectifs, soit par cautionnement.

Les ressortissants de l'une des Parties Contractantes se rendant aux foires ou marchés sur les territoires de l'autre, à l'effet d'y exercer leur commerce ou d'y débiter leurs produits, seront réciproquement traités comme les nationaux et ne seront pas soumis à des taxes plus élevées que celles perçues de ces derniers.

V.* Les ressortissants de chacune des deux Parties Contractantes seront exempts, sur le territoire de l'autre, de tout service militaire et de toute prestation militaire, ainsi que de toutes réquisitions extraordinaires qui seraient établies par suite de circonstances exceptionnelles.

Sont toutefois exceptées les charges qui sont attachées à la possession à titre quelconque d'un bien-fonds, ainsi que les prestations et les réquisitions militaires auxquelles tous les nationaux et les ressortissants de la nation la plus favorisée peuvent être appelés à se soumettre comme propriétaires, fermiers ou locataires d'immeubles.

Ils seront dispensés également de toute fonction officielle obligatoire, judiciaire, administrative ou municipale quelconque.

VI.* Les Parties Contractantes s'engagent à n'entraver nullement le commerce réciproque des deux pays par des prohibitions à l'importation, à l'exportation ou au transit.

Des exceptions à cette règle, en tant qu'elles soient applicables à tous les pays ou aux pays se trouvant dans les conditions identiques, ne pourront avoir lieu que dans les cas suivants :—

1. Dans des circonstances exceptionnelles par rapport aux provisions de guerre ;

2. Pour des raisons de sûreté publique ;

3. Par égard à la police sanitaire et en vue de la protection des animaux ou des plantes utiles contre les maladies, les insectes et parasites nuisibles ;

4. En vue de l'application, aux marchandises étrangères, des prohibitions ou restrictions arrêtées par des lois intérieures à l'égard de la production intérieure des marchandises similaires, ou de

* See also Final Protocol, page 713.

la vente ou du transport à l'intérieur des marchandises similaires de production nationale.

VII. Quant au montant, à la garantie et à la perception des droits d'importation et d'exportation, ainsi que par rapport au transit, à la réexportation, à l'entreposage, aux droits locaux et aux formalités douanières, chacune des deux Parties Contractantes s'engage à faire profiter l'autre de toute faveur, de tout privilège ou abaissement dans les tarifs, à l'importation ou à l'exportation des produits du sol et de l'industrie des deux pays, que l'une d'elles pourrait avoir accordé à une tierce Puissance. Aussi toute faveur ou immunité concédée plus tard à une tierce Puissance sera étendue immédiatement sans condition et par ce fait même aux produits du sol et de l'industrie de l'autre Partie Contractante.

Les dispositions qui précèdent ne s'appliquent point :

1. Aux faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à d'autres États limitrophes pour faciliter le trafic local en dedans d'une zone correspondant au district-frontière de chacun des deux pays, mais qui ne dépassera pas 15 kilom. de largeur de chaque côté de la frontière ; et

2. Aux obligations imposées à l'une des deux Parties Contractantes par les engagements d'une union douanière déjà contractée ou qui pourrait l'être à l'avenir.

VIII.* Les produits du sol et de l'industrie de la Bulgarie qui seront importés dans le territoire douanier Allemand, et les produits du sol et de l'industrie de l'Allemagne qui seront importés en Bulgarie, destinés soit à la consommation, soit à l'entreposage, soit à la réexportation ou au transit, seront soumis au même traitement et ne seront passibles de droits ni plus élevés ni autres que les produits de la nation la plus favorisée sous ces rapports.

D'ailleurs les produits du sol et de l'industrie de la Bulgarie, énumérés dans le Tarif B† ci-joint (droits à l'entrée du territoire douanier Allemand), à leur importation dans le territoire douanier Allemand, et les produits du sol et de l'industrie de l'Allemagne, énumérés dans le Tarif C† ci-joint (droits à l'entrée en Bulgarie), à leur importation en Bulgarie, ne seront assujettis à des droits d'entrée autres ni plus élevés que ceux consolidés par les dites Annexes.

IX. A l'exportation vers la Bulgarie il ne sera perçu dans le territoire douanier Allemand, et à l'exportation vers le territoire douanier Allemand il ne sera perçu en Bulgarie, d'autres ni de plus hauts droits de sortie qu'à l'exportation des mêmes objets vers le pays le plus favorisé à cet égard. De même, toute autre faveur

* See also Final Protocol, page 713.

† Annexes (B) and (C) not printed. See "Reichs-Gesetzblatt" No. 1 of 1906.

accordée par l'une des Parties Contractantes à une tierce Puissance à l'égard de l'exportation sera immédiatement et sans condition étendue à l'autre.

X. Les marchandises de toute nature venant de l'un des deux territoires ou y allant seront réciproquement exemptes dans l'autre de tout droit de transit, soit qu'elles transitent directement, soit que, pendant le transit, elles doivent être déchargées, déposées et rechargées.

XI. Des certificats d'origine pourront être exigés par chacune des Parties Contractantes pour le cas où elle aurait établi des droits différentiels d'après l'origine des marchandises.

XII. Seront admis et exportés de part et d'autre en franchise de tout droit les objets suivants, à la condition que l'identité des objets exportés et réimportés soit hors de doute :—

(a.) Toutes les marchandises (à l'exception des aliments) qui, sortant du commerce libre du territoire d'une des deux Parties Contractantes, seront expédiées aux foires et marchés sur le territoire de l'autre, ou qui, sans cette destination, seront transportées sur le territoire de l'autre Partie Contractante pour y être déposées dans les entrepôts ou magasins de douane, à condition que toutes ces marchandises soient réexportées dans un délai arrêté à l'avance ;

(b.) Les objets destinés à être réparés, pourvu que leur nature essentielle et leur dénomination commerciale restent les mêmes, et sans que des parties neuves essentielles soumises à un droit d'entrée y soient ajoutées ;

(c.) Les enveloppes et récipients d'usage de toute sorte, couvertures de défense et de protection (bâches) et autres moyens d'emballage, de même, ensouples, rouleaux en bois et en carton, et autres objets de ce genre, qui sont importés du territoire de l'une des Parties Contractantes pour servir à l'exportation de marchandises dans le territoire de l'autre, ou qui sont réimportés du territoire de l'autre après avoir servi évidemment à l'exportation.

XIII. Les droits intérieurs perçus pour le compte de l'État, des communes, ou des corporations, qui grèvent ou grèveront la production, la fabrication, ou la consommation d'un article dans le territoire d'une des Parties Contractantes, ne frapperont sous aucun prétexte les produits de l'autre d'une manière plus forte ou plus gênante que les produits indigènes de même espèce, ou, en cas d'absence de ceux-ci, que les produits de la nation la plus favorisée.

En ce qui concerne les marchandises indiquées au Tarif ci-annexé (C), il ne pourra être prélevé de taxes autres ou plus élevées que celles prévues dans les Lois Bulgares du 20 Janvier, 1900, modifiée par celles du 30 Décembre, 1903, et du 23 Mars, 1905, et du 31 Janvier, 1905, que dans le cas où les articles de même nature

sont produits ou fabriqués en Bulgarie, et y sont frappés de taxes équivalentes. Quant aux marchandises indiquées au Tarif ci-annexé (B), il ne pourra être prélevé de taxes autres ou plus élevées que celles actuellement existantes en Allemagne que dans le cas où les articles de même nature sont produits ou fabriqués en Allemagne, et y sont frappés de taxes équivalentes.

Les produits du sol et de l'industrie de l'un des pays importés dans le territoire de l'autre et destinés à l'entreposage ou au transit ne seront soumis à aucune droit interne.

XIV.* Les navires Allemands et leurs cargaisons seront traités en Bulgarie, et les navires Bulgares et leurs cargaisons seront traités en Allemagne, absolument sur le pied des navires nationaux et de leurs cargaisons, quel que soit le point de départ des navires ou leur destination, et quelle que soit l'origine des cargaisons et leur destination.

Tout privilège et toute franchise accordés à cet égard à une tierce Puissance par une des Parties Contractantes seront accordés, à l'instant même et sans condition, à l'autre.

Toutefois il est fait exception aux dispositions précédentes en ce qui concerne—

(a.) Les avantages particuliers dont les produits de la pêche nationale sont ou pourront être l'objet dans l'un ou dans l'autre pays ;

(b.) Les subventions ou garanties actuellement accordées, ou qui pourraient être accordées ultérieurement, à la marine marchande nationale.

Les dispositions du présent Traité ne sont point applicables au cabotage, lequel continue à être régi par les lois qui sont ou seront en vigueur dans chacun des deux pays. Néanmoins, chacune des deux Parties Contractantes pourront réclamer, sous condition de réciprocité, pour ses navires, toutes les faveurs et tous les privilèges que l'autre Partie Contractante a, ou aura, accordé à cet égard à une tierce Puissance. En tout cas les navires Allemands et Bulgares pourront passer d'un port de l'un des deux Pays Contractants dans un ou plusieurs ports du même pays, soit pour y déposer tout ou partie de leur cargaison apportée de l'étranger, soit pour y composer ou compléter leur chargement pour destination étrangère.

XV.* La nationalité des bâtiments sera admise, de part et d'autre, d'après les lois et règlements particuliers à chaque pays, au moyen des titres et patentes délivrés aux capitaines, patrons, ou bateliers par les autorités compétentes.

XVI.* Les navires Allemands entrant dans un port de Bulgarie, et réciproquement les navires Bulgares entrant dans un port d'Allemagne, qui n'y viendraient que compléter leur chargement ou

* See also Final Protocol, page 713.

décharger une partie de leur cargaison, pourront, en se conformant toutefois aux lois et règlements des pays respectifs, conserver à leur bord la partie de leur cargaison qui serait destinée à un autre port, soit du même pays, soit d'un autre, et la réexporter, sans être astreints à payer pour cette dernière partie de leur cargaison aucun droit sauf ceux de surveillance, lesquels d'ailleurs ne pourront être perçus qu'au taux fixé pour la navigation nationale.

XVII.* Seront complètement affranchis des droits de tonnage et d'expédition dans les ports de chacun des deux pays—

1. Les navires qui, entrés sur lest de quelque lieu que ce soit, en repartiront sur lest ;

2. Les navires qui, passant d'un port de l'un des deux pays dans un ou plusieurs ports du même pays, justifieront avoir acquitté déjà ces droits dans un autre port du même pays ;

3. Les navires qui, entrés avec un chargement dans un port, soit volontairement, soit en relâche forcée, en sortiront sans avoir fait aucune opération de commerce.

En cas de relâche forcée ne seront pas considérés comme opérations de commerce le débarquement et le rechargement des marchandises pour la réparation du navire, le transbordement sur un autre navire en cas d'innavigabilité du premier, les dépenses nécessaires au ravitaillement des équipages et la vente des marchandises avariées, lorsque l'Administration des Douanes en aura donné l'autorisation.

XVIII.* En cas d'échouement ou de naufrage d'un navire de l'une des Parties Contractantes sur les côtes de l'autre, ce navire y jouira, tant pour le bâtiment que pour la cargaison, des faveurs et immunités que la législation de chacun des pays respectifs accorde à ses propres navires en pareille circonstance. Il sera prêté toute aide et assistance au capitaine et à l'équipage, tant pour leurs personnes que pour le navire et sa cargaison. Les opérations relatives au sauvetage auront lieu conformément aux lois du pays. Tout ce qui aura été sauvé du navire et de la cargaison, ou le produit de ces objets s'ils ont été vendus, sera restitué aux propriétaires ou à leurs ayants-cause, et il ne sera payé de frais de sauvetage plus forts que ceux auxquels les nationaux seraient assujettis en pareils cas.

Les Parties Contractantes conviennent, en outre, que les marchandises sauvées ne seront sujettes au paiement d'aucun droit de douane, à moins qu'on ne les destine à la consommation intérieure.

XIX.* Les navires et marchandises Allemands en Bulgarie, et les navires et marchandises Bulgares en Allemagne, jouiront, quant aux taxes et à tous les autres droits similaires, perçus à titre rémunérateur dans les ports, bassins, docks, rades, et havres des Pays Contractants, et sous tous les autres rapports, du même traitement que les

* See also Final Protocol, page 713.

navires et marchandises nationaux et ceux appartenant à la nation la plus favorisée.

XX. Pour faciliter les relations commerciales entre les deux Pays Contractants il est accordé à la Bulgarie le droit de nommer dans les principaux centres de commerce en Allemagne des Agents Commerciaux. Les endroits où résideront ces Agents et les attributions des Agents formeront l'objet d'une entente ultérieure par voie diplomatique.

XXI. Le présent Traité s'étend aussi aux pays ou territoires unis, actuellement ou à l'avenir, par une Union Douanière à l'une des Parties Contractantes.

XXII.* En cas qu'il surgisse entre les Parties Contractantes un litige à l'égard de l'interprétation ou de l'application des Tarifs (B) et (C), annexés au présent Traité, y compris les dispositions additionnelles relatives à ces deux Tarifs, ainsi que des taux des Tarifs conventionnels stipulés entre les Parties Contractantes et des États tiers, ce litige sera réglé, sur la demande de l'une ou de l'autre Partie, par l'arbitrage.

Le Tribunal Arbitral sera constitué pour chaque litige de manière que chaque Partie nomme un Arbitre parmi les ressortissants compétents de son pays, et que les deux Parties choisissent pour surarbitre un ressortissant d'un tiers pays ami. Les Parties Contractantes se réservent de s'entendre, d'avance et pour une certaine période, sur la personne du surarbitre à désigner.

Le cas échéant, et sous la réserve d'une entente spéciale à cet effet, les Parties Contractantes soumettront également à l'arbitrage d'autres litiges, sur l'interprétation ou l'application du présent Traité, que ceux désignés à l'alinéa 1.

XXIII. Le présent Traité entrera en vigueur le 14 Janvier (n.s.), 1906.

Cependant le Gouvernement Impérial d'Allemagne aura le droit de remettre la mise en vigueur du Tarif (B) (droits à l'entrée du territoire douanier Allemand) et des stipulations dans les Articles VIII et XIII y relatives jusqu'au 1^{er} Mars (n.s.), 1906. D'autre part les droits d'entrée actuellement perçus en Bulgarie seront maintenus pour les provenances Allemandes au moins jusqu'au 13 Janvier (n.s.), 1906.

Le présent Traité restera exécutoire jusqu'au 28 Février (n.s.), 1911.

Dans le cas où aucune des Parties Contractantes n'aurait notifié, douze mois avant l'échéance de ce dernier terme, son intention de faire cesser les effets du Traité, celui-ci continuera à être obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

* See also Final Protocol, page 713.

XXIV. Le présent Traité sera ratifié, et les ratifications en seront échangées à Berlin aussitôt que possible.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le sceau de leurs armes.

Fait à Berlin, en double exemplaire, le 1^{er} Août, 1905.

(L.S.) v. MÜHLBERG.

(L.S.) GÉNÉRAL NIKYPHOROFF.

(L.S.) PROFESSEUR GEORG A. DANAÏLOFF.

(L.S.) J. TCHACALOFF.

(L.S.) R. KOSSEFF

ANNEXE (A)

(Modèle.)

Carte de Legitimation pour Voyageurs de Commerce.

Pour l'année .

No. de la carte .

(Armoiries.)

Valable pour l'Empire Allemand, le Luxembourg, et la Bulgarie.

Porteur.

(Prénom et nom de famille.)

Fait à , le [jour, mois, année].

(Sceau.)

(Autorité compétente.)

Signature.

Il est certifié que le porteur de la présente carte
 { possède un [désignation de la fabrique ou du commerce] à
 { sous la raison
 { est employé, comme voyageur de commerce, dans la maison
 { à , qui y possède un [désignation de la fabrique ou du
 { commerce].

Le porteur de la présente carte désirant rechercher des commandes et faire des achats pour le compte de sa maison, ainsi que de la maison suivante [désignation de la fabrique ou du commerce] à des maisons suivantes

, il est certifié, en outre, que la dite maison est tenue
 les dites maisons sont tenues
 d'acquitter dans ce pays-ci les impôts légaux pour l'exercice de
 son commerce [industrie].
 leur

Signalement du Porteur.

Age
 Taille.....
 Cheveux
 Signes particuliers

(Signature)

Avis.

Le porteur de la présente carte ne pourra rechercher des commandes ou faire des achats autrement qu'en voyageant et pour le compte de la maison susmentionnée. Il pourra avoir avec lui des des maisons susmentionnées échantillons, mais point de marchandises. Il se conformera, d'ailleurs, aux dispositions en vigueur dans chaque État.

Nota.—Là où le modèle ci-dessus contient un double texte, le formulaire à employer pour l'expédition des cartes présentera l'espace nécessaire pour y insérer l'un ou l'autre des textes, suivant les circonstances du cas particulier.

[Annexes (B) and (C) not printed. See foot-note, page 707.]

PROTOCOLE FINAL.

Au moment de procéder à la signature du Traité de Commerce, de Douane, et de Navigation, conclu en date de ce jour à Berlin entre l'Allemagne et la Bulgarie, les Soussignés sont convenus de ce qui suit :

A l'Article I—

Il est entendu que les lois, ordonnances, et règlements en matière de commerce et d'industrie comprennent les lois, ordonnances, et règlements en matière de police commerciale, industrielle, douanière, et de ports.

A l'Article IV—

Pour pouvoir exercer en Bulgarie le droit prévu à l'alinéa 1 de l'Article IV, les personnes y désignées devront être munies, conformément à l'Article 6 de la Loi Bulgare du ^{26 Mars}/_{8 Avril}, 1905, sur les commis-voyageurs, d'une patente spéciale dont la taxe au profit de l'État ne dépassera pas 150 fr. pour toute l'année et 100 fr. pour six mois, si le commis-voyageur représente une seule maison commerciale. Lorsqu'il en représente plus d'une, cette taxe est majorée encore de 100 fr. pour toute l'année et de 50 fr. pour six mois.

Il est entendu que les taxes prévues à l'alinéa 1^{er} ne frapperont que la maison commerciale, et que, par conséquent, cette taxe ne sera payée qu'une fois, n'importe que la maison commerciale envoie un ou plusieurs voyageurs à son service.

A l'Article V—

Il est entendu que les ressortissants Allemands en Bulgarie,

comme locataires d'immeubles, jouiront de l'exemption du logement militaire, mais non des autres prestations et réquisitions militaires auxquelles les nationaux et les ressortissants de la nation la plus favorisée pourront être soumis dans cette même qualité.

Il est entendu que, s'il y a des doutes sur la nationalité d'un conscrit, celui-ci, avant que sa nationalité ne soit établie, ne pourra être contraint à se soumettre ni à des prestations militaires ni surtout à la visite médicale requise pour la conscription.

A l'Article VI—

Sous la réserve, prévue à l'alinéa 2, No. 3, de l'Article VI du présent Traité, le Gouvernement Impérial d'Allemagne admettra le transit de viande fraîche ou préparée, produite en Bulgarie et expédiée de ce pays en droiture, contre l'observation des mesures prophylactiques vétérinaires, requises par les lois, règlements, ou ordonnances en vigueur ou à émettre par les autorités Allemandes.

Sous la même réserve la viande, produite en Bulgarie, qui pourra être considérée comme préparée dans le sens de la Loi Allemande sur l'inspection de la viande du 3 Juin, 1900, sera admise à l'entrée en Allemagne conformément aux dispositions prévues par la dite Loi.

A l'Article VIII—

En vue des dispositions en vigueur en Allemagne, concernant le service des renseignements officiels en matière de douane, le Gouvernement Bulgare est prêt à adopter, aussitôt que faire se pourra, des dispositions par lesquelles les importateurs seront à même d'obtenir par voie officielle des renseignements à l'égard du traitement douanier des marchandises à leur entrée en Bulgarie.

Il est entendu que la date de l'exécution de cette disposition sera remise au Gouvernement Bulgare.

Les échantillons sans valeur, importés en Bulgarie par la poste, ne seront soumis à la revision douanière que dans le cas où les circonstances concrètes font soupçonner l'intention de frauder les droits.

Aux Articles XIV-XIX—

Il sera permis aux compagnies de navigation et aux propriétaires de bateaux Allemands, faisant un service régulier de transport, de louer dans le rayon des ports, pour leurs bureaux, ateliers, et magasins, des terrains, même appartenant à l'État, et contre un prix convenable, lorsqu'il n'en aura pas besoin pour d'autres usages. Il reste entendu que les dits magasins seront considérés comme entrepôts dès qu'ils répondront aux exigences légales.

Il est entendu que les navires Allemands et les marchandises Allemandes, importées par voie d'eau ou par terre, après avoir acquitté les droits d'entrée, ne seront soumis en Bulgarie à aucun droit additionnel ou à des taxes accessoires nouvelles ou supérieures à celles qui existent actuellement à l'égard des marchandises et navires nationaux et de ceux de la nation la plus favorisée, savoir :—

1. Le droit de plombage, à savoir :

(a.) Trente centimes pour chaque grand plomb, la ficelle y comprise ; et

(b.) Cinq centimes pour chaque petit plomb ou cachet, la ficelle y comprise.

2. Il est perçu une taxe de 10 centimes pour chaque exemplaire des imprimés suivants, fournis par la Douane :

(a.) Manifeste ou extrait de manifeste.

(b.) Déclarations en douanes.

(c.) Feuilles délivrées pour les marchandises transportées d'un port Bulgare dans un autre port Bulgare.

(d.) Feuilles de transit.

(e.) Feuilles de transport délivrées par les bureaux de douane d'entrée pour les marchandises devant être dédouanées par un autre bureau de douane.

3. Une taxe de 5 centimes est perçue pour chaque exemplaire de quittance imprimée, délivrée par la Douane.

Il est également perçu une taxe de 5 centimes pour tous les autres imprimés fournis par la Douane.

4. Le droit de timbre est perçu conformément à la loi sur les timbres en vigueur.

Cependant les navires Allemands entrant dans ou sortant de plusieurs ports Bulgares après avoir payé une fois le droit de timbre sur les manifestes généraux d'entrée ou de sortie dans le premier port ne payeront qu'une taxe supplémentaire d'un franc sur les extraits de manifestes d'entrée, et de 50 centimes sur les manifestes additionnels de sortie.

5. La taxe pour l'inspection des bestiaux ; les taxes ("béglik") sur les moutons.

6. Les taxes sur les navires de commerce fréquentant les ports de Bulgarie, approuvées par la vingt-sixième décision du Conseil des Ministres, prise dans la séance du 28 Février, 1904, Protocole No. 21.

7. Les droits de magasinage, perçus conformément à l'Article 64 de la Loi Bulgare sur les Douanes.

8. Le droit de statistique :—

(a.) Dix centimes par colis, à l'exception des envois postaux.

(b.) Quinze centimes les 1,000 kilog. des marchandises chargées en vrac.

(c.) Dix centimes par tête de bétail.

9. Le droit de $\frac{1}{2}$ pour cent *ad valorem* sur les marchandises tant à l'importation qu'à l'exportation, conformément au Règlement du 28 Mars, 1885, No. 61.

De même, il est entendu que des droits additionnels ou taxes accessoires, autres que ceux prévus ci-dessus, ne pourront être établies en Bulgarie sur les navires et marchandises que dans le

seul but d'améliorer les ports et de favoriser l'exécution de certains travaux publics, destinés à faciliter le chargement ou le déchargement des marchandises, et cela dans les conditions, bien entendu, des lois et règlements spéciaux publiés à ce sujet.

A l'Article XXII—

A l'égard de la procédure dans les cas où l'arbitrage a lieu d'après les deux premiers alinéas de l'Article XXII, les Parties Contractantes sont convenus de ce qui suit :—

Au premier cas d'arbitrage le Tribunal arbitral siégera dans le territoire de la Partie Contractante défenderesse, au second cas dans le territoire de l'autre Partie Contractante, et ainsi de suite alternativement dans l'un et dans l'autre territoire. La Partie sur le territoire de laquelle siégera le Tribunal désignera le lieu du siège. Elle aura la charge de fournir les locaux, les employés de bureau, et le personnel de service nécessaires pour le fonctionnement du Tribunal.

Le Tribunal sera présidé par le Surarbitre. Les décisions seront prises à la majorité de voix.

Les Parties Contractantes s'entendront, ou le cas échéant ou une fois pour toutes, sur la procédure du Tribunal arbitral. A défaut d'une telle entente la procédure sera réglée par le Tribunal même. La procédure pourra se faire par écrit si aucune des Parties Contractantes ne soulève d'objection; dans ce cas la disposition de l'alinéa 1 peut être modifiée.

Pour la citation et l'audition des témoins et des experts les autorités de chacune des Parties Contractantes, sur la réquisition du Tribunal arbitral à adresser au Gouvernement respectif, prêteront leur assistance de la même manière que sur les réquisitions des Tribunaux Civils du pays.

Les Parties Contractantes s'entendront sur la répartition des frais, soit à l'occasion de chaque arbitrage, soit par une disposition applicable à tous les cas. A défaut d'entente l'Article LVII de la Convention de La Haye du 29 Juillet, 1899,* sera appliqué.

En foi de quoi les Plénipotentiaires soussignés ont dressé le présent Protocole, qui sera considéré comme approuvé et sanctionné par les Gouvernements respectifs, sans autre ratification spéciale, par le seul fait de l'échange des ratifications du Traité auquel il se rapporte, et y ont apposé leurs signatures.

Fait à Berlin, le 1^{er} Août, 1905.

V. MÜHLBERG.

GÉNÉRAL NIKYPHOROFF.

PROFESSEUR GEORG A. DANAÏLOFF.

J. TCHACALOFF.

R. KOSSEFF.

*ITALIAN ORDINANCE respecting Ships infected with Plague or coming from infected Ports.—Rome, February 23, 1902.**

Maritime Sanitary Ordinance, No. 5.

(Translation.)

THE Minister of the Interior, with reference to the International Sanitary Convention of Venice of the 19th March, 1897;† with reference to the various Maritime Sanitary Ordinances issued from time to time for the protection of the kingdom against the introduction of bubonic plague, and containing general regulations, as well as to the other general instructions from time to time distributed in particular cases; since it is considered advisable to set in order and bring together in one document the aforesaid prescriptions, on the advice of the Board of Health, with reference to the Law of the 22nd December, 1888, No. 5849 (Series 3A);

Decrees :—

ART. 1. All vessels coming from ports which are either infected with bubonic plague or form part of districts or regions in which are places infected with that disease, before being admitted to free pratique in the kingdom, and immediately after the usual interrogatory has been concluded, shall be subjected to a medical visit of all the persons on board, and to the disinfecting of all articles of personal and domestic use which are not perfectly clean. Moreover, the port doctor must satisfy himself, by an examination in detail of the vessel, that there has been no exceptional mortality of rats from infectious causes during the voyage.

Lastly, the bilge-water, after disinfection, must be emptied out, and the water stored on board must be changed for good drinking water.

Moreover, the following regulations must be observed :

(1.) Vessels which carry their own doctor and are provided with a disinfecting stove are admitted to free pratique when the doctor declares on oath—

(a.) That neither articles of personal or domestic use nor baggage have been embarked without previous disinfection, or that these articles have been properly disinfected on board.

(b.) That neither on the departure of the vessel nor during the voyage was any ascertained or suspected case of bubonic plague discovered.

(c.) That no exceptional mortality among rats was discovered during the voyage.

* Published in the "London Gazette," April 25, 1902.

† Vol. LXXXIX, page 159.

(2.) Vessels which carry their own doctor, but are not provided with a disinfecting stove, are admitted to free pratique when the doctor declares on oath—

(a.) That neither articles of personal or domestic use nor baggage were taken on board without being first disinfected.

(b.) That neither on the departure of the vessel nor during the voyage were any ascertained or suspected cases of bubonic plague discovered.

(c.) That no exceptional mortality among rats was observed during the voyage.

(3.) Vessels which have neither doctor nor disinfecting stove, but which have a clean bill of health on the voyage, are admitted to free pratique after having carried out the measures laid down in the first paragraph of this Article, and any others which the sanitary authorities may see fit to impose in special cases in order to make sure of the perfect health of the vessel.

2. Vessels on which, either at the moment of departure or during the voyage, ascertained or suspected cases of bubonic plague have been discovered may be admitted to free pratique after all the measures laid down in the first paragraph of Article 1 have been carried out, and with the observance of the following further rules:—

(1.) For vessels which carry a doctor and a disinfecting stove free pratique will be given when the doctor declares on oath that at least twelve days have passed since the death or complete recovery of the infected persons; that the disinfection of the effects and articles of the sick persons, and of those who have tended them and had contact with them, has been carried out, as well as that of the places in which the sick persons were attended to; and that there has been no exceptional mortality among rats on board.

(2.) For vessels carrying a doctor but not provided with a disinfecting stove, free pratique will also be granted when the doctor declares on oath that at least twelve days have passed since the death or complete recovery of the infected persons; that the disinfecting measures mentioned in the preceding paragraph have been carried out with chemicals; and that no exceptional mortality among rats has been observed on board.

(3.) Lastly, for vessels which have neither doctor nor disinfecting stove, but which have had on board either suspected or ascertained cases of plague, even at a date anterior to the twelve days already mentioned, admission to free pratique will be granted after the vessels have been sent to a sanitary station, where they will be detained for the time necessary for disinfection and for establishing their complete freedom from infection.

3. Vessels which on their arrival show ascertained or suspected

cases of bubonic plague, or which have had such within a period of twelve days, will be sent without exception to a sanitary station, in order to undergo all those measures which the Ministry of the Interior may think fit to impose in each particular case.

4. After the admission of the vessels to free pratique all individuals landing from them, whether passengers or belonging to the crew, must be provided by the local Prefecture with a compulsory travelling pass, of which a form is annexed (Annex (A)); and the Syndics of communes for which they are bound must be informed by telegraph, in order that they may be submitted to sanitary surveillance for the period of time necessary to complete ten full days, to be counted from the date of their departure from the last infected port in the case of the vessels indicated in Article 1, and of the landing at a port or place of call in Italy in the case of the vessels indicated in Article 2.

This surveillance may never consist in measures of isolation and sequestration, but only in a daily medical examination to make sure of the state of health of the person, and, in the case of his departing before the prescribed time is up, in the notification of the fact to the Syndic of the commune to which he intends to go, with a view to the continuance of the examination until the conclusion of the ten days.

5. All vessels coming from infected ports, on their arrival in an Italian port, will be subjected to the following measures, on the responsibility and under the surveillance of the port authorities, who will see that they are strictly carried out:—

(a.) From the moment of their anchorage or mooring up to the moment of their departure, the anchor chains and safety hawsers must always be provided with apparatus to prevent rats from leaving the ship (for example, thorny bushes, cone-shaped funnels, &c.).

(b.) Gangways may not be laid from the vessel to the quay save only in the day-time, and for the time strictly necessary for the disembarkation of the passengers and cargo. At night the vessel must lie off the quay at a distance to be fixed by the port authorities, and which must not be less than 5 metres.

(c.) The rats on board must be destroyed by asphyxiating gases, or by other means laid down in special instructions, after the landing of the cargo.

The bodies of the rats must be collected and burnt.

(d.) The sweepings from the cleaning of the holds must be carefully collected and burnt.

6. Vessels which, although having touched at infected ports, have kept themselves in strict isolation while there, are exempt from the measures laid down in the preceding Articles.

Vessels will be considered as having maintained strict isolation—

(a.) When they have not embarked passengers or goods of any sort with the exceptions mentioned in paragraph (c).

(b.) When the crew, and passengers from other places already on board, have not landed nor had any sort of communication with the infected port.

(c.) When only the victuals, coal, and drinking water necessary for the voyage, and only postal correspondence (excluding parcels and samples) wrapped in tarred bags, have been taken on board.

(d.) When gangways have not been laid to the quay in the infected ports, and when the anchor-chains and hawsers have been fitted with adequate apparatus for preventing rats from getting on board.

Saving better means of ascertaining the facts, if necessary, with regard to the conditions laid down in sections (a), (b), (c), and (d), the doctor, if there be one on board, will make a statement. If there be no doctor on board the facts must be substantiated from the notes made by the captain in the ship's log.

7. In accordance with the measures already stated, Italian vessels which touch habitually at infected ports, or on board of which cases of plague have occurred during the last six months of the passage, are obliged periodically to destroy all rats on board in the manner indicated in the preceding Article, the vessel being entirely cleared of cargo for the execution of this measure at least once every three months.

The shipowner and the officer in command of the vessel are responsible for the carrying out of this measure, which shall be notified in the sanitary log, and, in the absence of a sanitary log, in the log.

8. The Ministry is empowered, at the request of the Shipping Companies, to give permission to vessels coming from regions infected with plague and having disinfecting stoves on board to take on board a doctor recommended by the Government.

Such vessels shall be dispensed on arrival from medical inspection and from the disinfection prescribed by the Regulations (the necessity of emptying the hold of the vessel and the regulations of Articles 4 and 5 still holding good) in the following cases, which must be sworn to by the doctor:—

(a.) That no cases of plague have been suspected or declared either before the vessel sailed or during the passage.

(b.) That twenty-four hours previous to calling at an Italian port objects of personal and domestic use which are not perfectly clean were disinfected under the immediate supervision of the doctor.

(c.) That before entering the port the doctor had made an inspection with satisfactory results of all persons on board.

(*d.*) That no exceptional mortality of rats had occurred during the passage.

9. Articles 4 and 5 holding good, vessels which have a foul bill of health, but which, nevertheless, have had a passage during which no cases have occurred, can, by the authorization of the Minister of the Interior, be exempted from the sanitary measures laid down in the preceding Articles:—

(*a.*) That in the place of origin the cases of plague were imported cases, and did not occasion the spread of other cases which could be traced to the above-mentioned cases.

(*b.*) That in the place of origin itself all the necessary precautions were taken to prevent the spread of the plague.

10. Even after vessels arriving from infected regions have been admitted to free pratique, the crew shall not be allowed to go on shore unless their service should render it necessary.

11. Emigrant ships which are provided with disinfecting stoves, and on board of which there is a doctor of the Royal Navy, shall, in accordance with the regulation of Article 11 of the Law of the 31st January, 1901, No. 23, and Articles 115 and the following Articles of the Regulation of the 10th July, 1901, No. 375, be treated in accordance with Article 8 of the present Ordinance, and comply with all the conditions and restrictions laid down in the aforesaid Article.

12. In addition to the measures laid down in the preceding Articles, other special measures can, in certain circumstances, be adopted for those vessels which, even if they have had no cases on board during the voyage—

(*a.*) Are not provided with disinfecting stoves and are without a doctor on board.

(*b.*) Which have on board large congregations of persons in an unsatisfactory condition of cleanliness.

(*c.*) Whose general hygienic state is unsatisfactory.

(*d.*) Who, previous to leaving the infected port of call, have not been subjected to the measures laid down in Chapter IV, No. 1, of the Convention of Venice of the 19th March, 1897.

(*e.*) Who have had during the passage an exceptional mortality among rats, or who are discovered on their arrival to have on board an exceptional number of dead rats owing to infectious causes.

(*f.*) Which present any other serious circumstances.

13. The importation of the following goods, in whatever state, and even if contained in postal packages, is prohibited should they come directly or indirectly from regions infected with bubonic plague:—

(*a.*) Personal and domestic effects, with the exception of what is taken as baggage.

(b.) Rags, used bags, used carpets, and embroideries.

(c.) Fresh untanned hides and other animal products, and refuse, such as fat and intestines.

14. The sanitary measures mentioned in the preceding Articles shall be carried out exclusively in the ports of Geneva, Leghorn, Naples, Brindisi, and Venice, on the mainland, and in the ports of Palermo, Messina, and Catania, in Sicily.

The measures shall be carried out by day, and in accordance with the regulation, at the first port of call.

In accordance with Articles 4, 5, and 10, should no exceptional case have occurred during the passage after the first call at a port, sanitary measures shall be limited to a medical examination of the persons on board, and to the disinfection of the effects which are to go on shore.

15. No restrictive measures shall be adopted in regard to vessels arriving from an infected region should those vessels have left the port at least five days before the declaration of the first case of plague.

16. The preceding measures of maritime hygiene of the 8th May, 1897, No. 3; of the 15th July, 1897, No. 6; of the 12th June, 1899, No. 6; of the 16th June, 1899, No. 7; of the 24th January, 1900, No. 1; of the 1st March, 1900, No. 8; of the 7th April, 1900, No. 10; of the 9th July, 1900, No. 20; of the 10th August, 1901, No. 11, are suspended and superseded by the present measures.

The Prefects, captains, and officers of the port are charged with the execution of the present measures, which will come into force immediately after their publication in the "Official Gazette" of Italy.

Rome, February 23, 1902.

GIOLITTI.

ANNEX (A).

FORM of Travelling Pass.

*ACCESSION of the Italian Colonies of Erythræa and Benadir to the Universal Postal Convention of Washington of the 15th June, 1897.—July 1, 1904.**

PAR notes des 21 Avril et 16 Juin, 1904, la Légation d'Italie en Suisse a informé le Conseil Fédéral de l'adhésion des Colonies Italiennes de l'Érythrée et du Bénadir, à partir du 1^{er} du mois

* "Feuille Fédérale Suisse," July 20, 1904.

courant, à la Convention Postale Universelle (Convention principale), conclue à Washington le 15 Juin, 1897.*

Le Conseil Fédéral a notifié cette adhésion aux Gouvernements des États faisant partie de l'Union Postale Universelle.

ACCESSION of the Colony of Erythræa to the Postal Arrangement of Washington of the 15th June, 1897, relating to Money Orders.—July 1, 1905.

PAR note datée du 8 Avril dernier, la Légation d'Italie à Berne a informé le Conseil Fédéral, au nom de son Gouvernement, de l'adhésion, à partir du 1^{er} Juillet, 1905, de la Colonie de l'Érythrée à l'Arrangement de Washington du 15 Juin, 1897, concernant le service des mandats de poste.†

Le service sera restreint aux bureaux de poste d'Asmara, Assab, Cheren, et Massaua, et à celui d'Agordat pour ce qui concerne ses rapports avec le Soudan Égyptien.

Cette adhésion a été notifiée aux États faisant actuellement partie de l'Union restreinte pour le service des mandats de poste, et qui sont au nombre de trente-cinq, savoir :

Allemagne et Protectorats Allemands, Argentine, Autriche, Belgique, Bolivie, Bosnie-Herzégovine, Brésil, Bulgarie, Chili, Crète, Cuba, Danemark et Colonies Danoises, Égypte, France, Grèce, Honduras, Hongrie, Italie, Japon, Libéria, Luxembourg, Monténégro, Norvège, Pays-Bas et Colonies Néerlandaises, Pérou, Portugal et Colonies Portugaises, Roumanie, Salvador, Saint-Domingue, Suisse, Serbie, Siam, Suède, Tunisie, et Uruguay (trente-cinq États).

DECLARATION by Italy and the Dominican Republic renewing the Validity of the Treaty of Commerce and Navigation of the 18th October, 1886.—Signed at Santo Domingo, July 15, 1903.

[Put into operation by Italian Law, No. 327, of June 26, 1904.]

(Translation.)

THE Government of His Majesty the King of Italy and the Government of the Dominican Republic being desirous of regu-

* Vol. LXXXIX, page 65.

† Vol. XC, page 1127.

-lating the situation brought about through the denunciation of the Treaty of Commerce and Navigation between the Kingdom of Italy and the Dominican Republic, the Undersigned, duly authorized to that effect, have agreed as follows:—

The Treaty of Commerce and Navigation, concluded at Santo Domingo between the Kingdom of Italy and the Dominican Republic on the 18th day of October of the year 1886,* which entered into force on the 14th June, 1890, and was abrogated on the 14th June, 1900, as well as the Additional Act concluded at Santo Domingo on the 5th January of the year 1889,† which entered into force and was abrogated with the above-mentioned Treaty, of which it formed an integral part, are hereby replaced in operation in their entirety from this day and for the period necessary for the negotiation and conclusion of a new Treaty of Commerce and Navigation.

The two Governments undertake to obtain the approval, if necessary, of the present Agreement by the Legislative bodies of both nations.

Done in duplicate, at Santo Domingo, on the 15th July, 1903.

O. SAVINA, *Minister Resident of His Majesty the King of Italy.*

FIDELIO DESPRADEL, *Minister of Foreign Affairs of the Dominican Republic.*

DECLARATION between the Italian and Greek Governments, amending the Extradition Convention of the $\frac{5}{17}$ th November, 1877.—Signed at Athens, March $\frac{16}{29}$, 1905.†

LE Gouvernement de Sa Majesté le Roi des Hellènes et le Gouvernement de Sa Majesté le Roi d'Italie, étant tombés d'accord sur l'opportunité de modifier les dispositions de l'Article XIII de la Convention d'Extradition en vigueur entre les deux pays du $\frac{5}{17}$ Novembre, 1877,§ les Soussignés, dûment autorisés, sont convenus de la rédaction suivante, qui fera dorénavant partie intégrante de la susdite Convention:—

“Article XIII. Si l'individu réclamé et arrêté dans les conditions de la présente Convention n'est pas extradé et renvoyé à son pays dans le délai de trois mois après son arrestation, il sera mis en liberté, et ne pourra plus être réclamé pour la même cause.”

La présente Déclaration sera exécutoire dans chacun des deux

* Vol. LXXXI, page 150.

† Signed also in the Greek language.

† Vol. LXXXI, page 160.

§ Vol. LXVIII, page 187.

pays à partir de sa promulgation dans le "Journal Officiel," et aura la même durée que la Convention du $\frac{5}{17}$ Novembre, 1877."

En foi de quoi les Soussignés ont procédé à la signature de la présente Déclaration, sous réserve de son approbation par la Chambre des Députés Hellénique.

Fait en double expédition, à Athènes, le $\frac{16}{23}$ Mars, 1905.

(L.S.) A. SKOUSÈS.

(L.S.) R. BOLLATI.

*CONSULAR CONVENTION between Italy and the Republic of Guatemala.—Signed at Guatemala, November 13, 1905.**

[Ratifications exchanged at Guatemala, June 2, 1906.]

(Translation.)

THE President of the Republic of Guatemala and His Majesty the King of Italy, recognizing the utility of determining and extending in the best possible manner the reciprocal rights and privileges of Consuls, Vice-Consuls, Consular Agents, Chancellors, and Secretaries, as likewise the duties and obligations which they must respectively fulfil in both countries, have decided to draw up a Consular Convention, and have named for that purpose as their respective Representatives:

His Excellency the President of the Republic of Guatemala, his Excellency Don Juan Barrios, Secretary of State in the Department of Foreign Affairs; and

His Majesty the King of Italy, his Excellency Don Carlos Nagar, Member of the Royal Order of the Crown of Italy and of the Order of Saints Maurice and Lazarus, Minister Resident in Guatemala, who have agreed to the following Articles:—

ART. I. Either of the High Contracting Powers will have the faculty of nominating Consuls-General, Consuls, Vice-Consuls, and Consular Agents in the ports, cities, and towns of the other, reserving to themselves respectively the right to except such places as they may deem advisable; but this exception may not be imposed on either of the High Contracting Parties unless equally imposed on all other Powers.

II. Consuls-General, Consuls, Vice-Consuls, and Consular Agents will be admitted and recognized reciprocally after the presentation of their Commissions, in accordance with the rules and formalities observed in the respective countries.

The exequatur needed for the free exercise of their functions will be issued without cost, and when the exequatur is presented the chief authorities in the place of residence of the Consular officer will

* Signed in the Italian and Spanish languages.

immediately make such dispositions as will enable the Consular officer to fulfil the duties of his office and enjoy the exemptions, prerogatives, privileges, immunities, and honours attached to it.

III. Consular officers, whether Consuls-General, Consuls, Vice-Consuls, or Consular Agents, subjects of the State nominating them, will enjoy exemption from military billeting, or any other duty or public service, municipal or otherwise.

They will likewise be exempt from military contributions and direct contributions, whether personal or general and sumptuary, imposed by the State and by the provincial and municipal authorities, provided they do not possess real estate, are not in business, and do not follow any industry or profession, in which case they will be subject to the same charges, services, and contributions as are imposed upon natives.

IV. Consuls-General, Consuls, Vice-Consuls, and Consular Agents may affix to the outside of the doors of their offices the coat-of-arms of their country, with the inscription: "Consulate," "Vice-Consulate," or "Consular Agency of ."

They may also fly the flag of their country over the Consular residence on days of public or national festivity, as also on other customary days.

They will also have the right to fly their national flag on the boats they use in the ports in the exercise of their duties.

V. The Consular archives are inviolable, and the territorial authorities may not under any circumstances examine or sequester the documents belonging thereto; but in the case of any offence the Consuls, Vice-Consuls, and Consular Agents are obliged to show to the local authorities the original documents which may have been impugned, so that the authorities themselves may make the necessary verifications.

All Consular documents must be kept separate from the books and papers which may be in use in the business or industry followed by the respective Consuls, Vice-Consuls, or Consular Agents.

VI. In the case of impediment, absence, or death of Consuls-General, Consuls, and Vice-Consuls, the Consular Attachés, Chancellors, and Secretaries who are recognized and have been presented to the local authorities as such, will be permitted to act on giving due notice, and will be enabled, according to their standing, to exercise Consular functions temporarily, the authorities having no right to place any difficulties in their way. On the contrary, they are to give such officers all assistance and protection, and to accord them during their temporary office all the exemptions, prerogatives, and privileges stipulated for in the present Convention in favour of Consular Agents generally.

VII. Consuls-General and Consuls may appoint Vice-Consuls

and Consular Agents in the cities, ports, and towns within their respective districts, provided that the approval of the territorial authorities be obtained.

Such officers may be selected at will from among citizens of either country, or from among foreigners, and will be provided with a patent issued by the Consul nominating them, and under whose orders they are to exercise their functions.

They will enjoy the same privileges stipulated for in the present Convention, with the exception of those contained in Article III.

VIII. Consuls-General, Consuls, Vice-Consuls, and Consular Agents may address themselves to the authorities of their district to protest against any infraction of Commercial Conventions or Treaties existing between the two countries or against any injury their countrymen may complain about.

IX. The citizens of either of the High Contracting Parties will enjoy in the territory of the other the most constant protection and security of their persons and property and interests, and will in this respect enjoy the same rights and privileges as are accorded to natives, while themselves submitting to the conditions imposed upon the latter.

They will, however, be exempt in the States of the other party from obligatory military service, either in the army or the navy, the National Guard or the militia; as also from all classes of contributions, in money or goods, imposed in lieu of personal service, or from any military loan or requisition, with the exception of such for which, without distinction, all the inhabitants of the country may be called upon in their quality of proprietors, lessees of real estate, or in any other quality of capitalist.

X. The Government of Guatemala, in the event that either from Italy or from other countries, Italian emigrants should be engaged for Guatemala on their own account or on account of concessions to private individuals or to companies, will provide that the contracts proposed are equitable, that the provisions made are fulfilled, and that the said contracts, if equitable, are scrupulously carried out; they will likewise see that the transportation, embarkation, and establishment of the said emigrants take place in accordance with the rules of humanity, hygiene, and safety, and they will punish, in accordance with the existing laws of the Republic, any person who in any way may deceive or injure the emigrant, and they will give their best assistance to the latter should he be imposed upon or injured, in order that he may obtain from the responsible party a just indemnity.

XI. The citizens of each of the two countries will be admitted to the enjoyment of civil rights in the other.

In view of this, both Contracting Parties recognize the right to

possess real and movable estate, and to dispose thereof at will, by sale, gift, exchange, or any other legal means.

They will enjoy equally and reciprocally the right to receive and transfer estate by inheritance, by will or otherwise, without being subject, as foreigners, to the payment of any tax or impost not equally imposed on natives.

XII. Consuls-General, Consuls, Vice-Consuls, and Consular Agents, or their Chancellors, will have the right to receive in their chanceries, in the houses of the parties, and on board vessels of their own country, any declarations to be made by the captain, crew, passengers, merchants, or any other subject of their country.

Likewise they will have the right, acting as notaries, to receive the testamentary depositions of their co-nationals, and to perform any other notarial act even should such act have for object the mortgaging of property existing in the country to which the Consul or Consular Agent belongs.

In such cases the special dispositions in force in that country will be applied.

Such agents will likewise have the right to record in their respective offices all contracts involving personal responsibility between one or more of their countrymen, or between them and other persons within the country in which they reside, as also those which, notwithstanding their being exclusively of interest to the natives of the country in which the stipulations are made, have reference to property situated in, or business transactions to be fulfilled in, some part of the country to which the Consular Agent, recording such acts, belongs.

The testimonies and attestations duly legalized by such Consular Agents and sealed with the official seal of the Consulate, Vice-Consulate, or Consular Agency, will be good in law, both in the Republic of Guatemala and in the Kingdom of Italy, and will have the same force and value as though they had been authorized by notaries or other public functionaries of either country: Provided that such acts are drawn up in the form required by the laws of the State to which the Consuls or Consular Agents belong, and are afterwards registered, stamped, and subjected to all the other formalities in use in the country in which such acts are to take effect.

When the authenticity of a public document registered in the Chancery of one of the respective Consulates is doubted, its comparison with the original cannot be refused to the person asking for it, and the person in question has likewise the right to be present when such comparison takes place, should he desire it.

The respective Consuls-General, Consuls, Vice-Consuls and Consular Agents may translate and legalize all kinds of documents emanating from the authorities or functionaries of their own

countries. Such translations and legalization will in their place of residence have the same force and value as though they had been prepared by local interpreters.

XIII. In the case of the death of a subject of one of the Contracting Parties in the territory of the other, the Consul-General, Consul, Vice-Consul or Consular Agent in whose district the death may have occurred, must immediately advise the local authorities should he first become aware of the decease.

When a Guatemalan dies in Italy or an Italian in Guatemala without making a will or nominating a trustee under the will, or should the legal or testamentary heirs under the will be infants or be absent, or the trustee under the will not be at hand when the will is to be proved, the Consul-General, Consul, Vice-Consul or Consular Agent belonging to the country of the deceased will have the right to proceed successively in the following matters:—

1. To affix his official seal at the request of interested parties to all the movable estate and papers of the deceased, giving notice of such action to the local authority, who may likewise assist and affix his own seals.

2. To make an inventory of all the goods and effects of the deceased, in the presence of the local authority, should the latter, in consequence of the notice received, deem it advisable to be present.

The local authorities will affix their signatures to any acts drawn up in their presence, without charging any fees whatever for their official action.

3. To dispose by public auction of such movable possessions as are liable to deterioration, and of such as are difficult to keep, and also of such crops and effects for the disposal of which favourable opportunities present themselves.

4. To deposit in a place of security all the effects and valuables comprised in the inventory, to hold such credits as are collected and the product of the income either at the Consular Office, or confide them to a business man of good standing.

Such deposits are to be effected in either case with the concurrence of the local authority who may have intervened in the preceding formalities when, after the citation mentioned in the following paragraph, subjects of that Power or of a third Power, present themselves as interested parties.

5. To publish a notice of the death, and when necessary to cite through the medium of the press of the town or country of the deceased such creditors of the estate as may there exist, in order that these may present, within a fixed period determined by law, their respective documents, duly legalized.

When creditors of the estate present themselves, the payment of their credits must be made within a period of fifteen days after the

closing of the inventory, should funds exist which can be appropriated for such a purpose, and in the contrary case, as soon as the possessions can be liquidated in the most convenient manner, or finally within a period which may be established by mutual consent of the Consul and the majority of the interested parties.

Should the respective Consuls refuse the payment of all or part of the credits, alleging insufficiency of effects to satisfy the claims, the creditors may, should they consider it to their interest, ask the competent authority to declare bankruptcy.

Such a declaration having been obtained by the legal means established in either of the countries, the Consuls and Vice-Consuls must immediately hand over to the judicial authorities or to the Receiver in Bankruptcy, as the case may be, all the documents, effects, and valuables belonging to the estate, and the said Agents will be charged with the representation of the heirs, absent parties, infants and incapacitated persons.

In any case, Consuls-General, Consuls and Vice-Consuls, may hand over the inheritance or the product thereof to the legal heirs or to those empowered by the latter to receive it, after the lapse of a period of six months, counting from the day when the announcement of the death was published in the papers.

6. To administer and to liquidate, personally or through a person nominated under his responsibility, the estate, whether a will exists or not, without the local authorities having the right to intervene in such transaction, unless subjects of the country or of a third Power desire to enforce their rights against such estate, in which case, should difficulties arise out of any claim in contention between the parties, the Consuls-General, Consuls, and Consular Agents, having no power to decide in such matters, the question must be submitted to the Tribunals of the country which have the right to investigate and give a decision with regard thereto.

The said Consular Agents will likewise act as the representatives of the heirs under the will or in case of intestacy, of the heirs at law, that is to say, that whilst they definitely retain the administration and the right to liquidate the estate, as also to proceed to the sale of the effects in accordance with the rules previously laid down, they will watch the interests of the heirs and have the right to nominate the lawyers charged with the duty of defending such rights before the Tribunals, it being understood that they are to exhibit all the documents needed to clear up any question submitted to the judgment of the Tribunals. Sentence having been pronounced, the Consul-General, Consul, Vice-Consul, or Consular Agent, must act in accordance with it, unless notice of appeal has been given, and they may likewise continue the liquidation which had been suspended pending the settlement of the controversy.

7. To assume, when occasion arises, the responsibility of guardianship, in accordance with the laws of the respective country.

XIV. Should a Guatemalan die in Italy or an Italian in Guatemala at a place where no Consular Agent of his nationality resides, the competent local authority will proceed, according to the laws of the country, to take the inventory of the effects, and the liquidation of the property existing, and he will be under the obligation to give within the least possible time an account of the result of his action to the Guatemalan or Italian Embassy or Legation, Consulate, or Vice-Consulate nearest to the place where the estate exists.

The nearest Consular Agent, personally or by means of a representative, will immediately present himself at the place where the estate exists, the intervention of the local authority being limited to the dispositions contained in Article XIII of this Convention.

XV. The subjects of both Parties will have free access to the Courts of Justice to enforce or defend their rights, without any further conditions, restrictions, or taxes beyond those imposed upon natives.

They will also have equally with the natives the right to freely select their defending Counsel, and to be present at the hearing, trials, and sentences of the Tribunal in cases in which they are interested, as also to be present at the reports, examinations and depositions of witnesses which may take place before the said Courts, provided that the laws of the two countries allow the publicity of such acts.

They will also enjoy gratuitous judicial assistance in the same cases and under the same conditions in which the laws of the country accord such advantage to natives.

In every case the certificate of indigence is to be furnished to the person applying for such assistance by the authorities in the place of his ordinary residence.

Should such person not reside in the country in which he makes the application, the said certificate is to be legalized by the Diplomatic or Consular Agent of the country in which the certificate is to be presented.

Should the applicant reside in the country in which he makes the application, reports may also be asked for from the authorities of the nation to which he belongs.

XVI. Indigent subjects of the two countries will be assisted and treated with entire reciprocity in accordance with the laws of the respective States.

XVII. Consuls-General, Consuls, Vice-Consuls, and Consular Agents, will take entire charge of inventories and other acts undertaken for the safeguarding of the estates left by seamen and passen-

gers of their country having died on shore or on board of vessels of their country during the passage, or in the port of arrival.

XVIII. A Consul-General, Consul, Vice-Consul, or Consular Agent may proceed personally, or send a representative on board the vessels of his country when once pratique has been given, they may question the captain and crew, examine the ship's papers, receive declarations as to the voyage and incidents of the passage, extend manifests, and facilitate the dispatch of the vessels, and finally they may accompany the officers before the Tribunals or to Administrative Offices of the country to act for them as interpreters or agents in the matters they have pending, or in petitions to be presented.

XIX. In everything concerning the police of the port, the loading and unloading of the vessels, and the safety of the goods, merchandize, or effects, the laws, statutes, and regulations of the country will be observed. Consuls-General, Consuls, Vice-Consuls, and Consular Agents, will be exclusively charged with the maintenance of order on board of merchant-vessels of their country, and they will take cognizance of questions arising between the captain, officers, and crew, particularly with matters relating to pay, and the compliance with agreements reciprocally entered into.

The local authorities cannot intervene, excepting when a disturbance occurring on board of the vessels is of such a nature as to disturb tranquillity and public order on shore and in the port, or when any one belonging to the country or not belonging to the crew is implicated in the disturbance.

In all other cases the local authorities will limit themselves to rendering assistance to the Consuls, Vice-Consuls, and Consular Agents, when requested, to arrest any one inscribed in the ship's books, provided always that they deem it advisable.

XX. Consuls-General, Consuls, Vice-Consuls, and Consular Agents may cause to be arrested and sent on board seamen and other persons forming part of the crew of merchant-vessels and ships-of-war of their country, who may have deserted to the territory of the other State.

For this purpose they must address themselves in writing to the competent authority and justify their action by the exhibition of the ship's books or list of the crew, or by means of authenticated copies, or extracts of the same, to the effect that the persons claimed really form part of the crew.

In presenting this application, thus justified, the surrender of the deserter cannot be refused. Further, every assistance and help will be given to the said Consular Agents in the pursuit and arrest of deserters.

The High Contracting Parties agree that seamen and other

members of the crew, subjects of the country in which the desertion takes place, are exempted from the stipulations of the present Convention.

XXI. When no agreement to the contrary exists between the owners, charterers, shippers and assurers, damage suffered during the navigation of the ships of both countries, when they enter the port, either voluntarily or are compelled to do so by *force majeure*, will be estimated by the Consuls-General, Consuls and Vice-Consuls of the respective country, except in cases in which subjects of the country in which the Consular Agent resides, or of a third Power, are interested in the said damage, in which case, and in default of an amicable settlement between all the interested parties, the damage will be estimated by the local authorities.

XXII. In the case of a vessel belonging to the Government or a subject of one of the High Contracting Parties suffering wreck or running aground on the coasts of the other, the authorities are to inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district, or in the absence of such, the Consul-General, Consul, Vice-Consul or Consular Agent nearest to the place where the accident happened.

All operations in regard to the salvage of Guatemalan vessels wrecked or running aground in the territorial waters of Italy will be undertaken by the Guatemalan Consuls-General, Consuls, Vice-Consuls or Consular Agents, and reciprocally all operations in regard to the salvage of Italian vessels suffering wreck or running aground in Guatemalan territorial waters will be undertaken by the Italian Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

The intervention of the local authorities will only occur in both countries in order to assist the Consular Agents and to maintain order, to guarantee the interests of salvors not belonging to the crew, and to insure the compliance with such regulations as are to be observed in the entry and clearance of the merchandize saved.

In the absence of and until the arrival of the Consul-General or Consul, or of the persons delegated by them for the purpose, the local authorities are to take measures for the protection of individuals and the preservation of goods which may have been saved from the wreck.

The intervention of the local authorities on these occasions will not give rise to the levying of dues of any description excepting such as national vessels would bear in similar cases or the expenses incurred in salvage, and for the care of the salvaged goods.

In case of doubt as to the nationality of the wrecked vessel, the operations mentioned in the present Article will be exclusively undertaken by the competent local authorities.

The High Contracting Powers further agree that the merchandize and effects saved will not be subject to any payment of customs duties, unless such be sold for consumption in the country.

XXIII. It is likewise agreed that the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as also the Chancellors, Secretaries, pupils, and student-Consuls, will enjoy in both countries all the exemptions, prerogatives, and privileges actually conceded, or to be conceded, provided that they are reciprocal, and do not arise out of Treaties or Conventions which have been denounced.

XXIV. In case of defect or insufficiency in the dispositions of the present Convention, recourse will be had to the general principles of international law and of international use and custom, the strictest reciprocity being observed in all cases.

XXV. The present Convention will remain in force for a period of ten years, counting from the date of the exchange of ratifications; but should neither of the Parties have communicated to the other one year before the expiration of that period its intention of terminating the Convention, it will remain in force until one year after the said declaration is made at whatever period the same may take place.

XXVI. The stipulations contained in the preceding Articles will come into force in the two States immediately after the exchange of ratifications.

XXVII. The present Convention shall be approved by the Legislative Bodies in accordance with the laws of the respective countries, and be ratified by the High Contracting Parties, and the ratifications exchanged at Guatemala within a period of eighteen months, or previously if possible.

In virtue whereof the respective Representatives have signed the present Convention, and have affixed their respective seals.

Given at Guatemala, in duplicate, this 13th day of November, 1905.

(L.S.) JUAN BARRIOS, M.

(L.S.) CARLOS NAGAR.

DECREE of the King of Spain enforcing the Denunciation by Italy of the Commercial Modus Vivendi of 1892, between the two Countries.—Madrid, June 19, 1905.

(Translation.)

EXCELLENCY,

Madrid, June 19, 1905.

IN view of the Decree communicated by the Ministry of State under date the 25th May, transmitting a note dated the 20th May

from the Italian Ambassador, denouncing, in the name of the Italian Government, the commercial *modus vivendi* existing between Italy and Spain ;

Whereas the Convention in question was agreed to by notes exchanged on the 29th June, 1892,* and came into force on the 1st July following for an indefinite period, each Power reserving the right to denounce it at six months' notice ;

Whereas it having now been denounced by the Italian Government on the 20th May, the said Convention will terminate on the 21st November next :

His Majesty the King decrees that the Director-General shall communicate to the Custom-houses instructions to the effect that the conventional tariffs should no longer be applied after the 21st November, 1905, and that, failing orders to the contrary, from that date forward the duties fixed by the first Customs Tariff be applied to Italian goods ; and that this Decree be published in the " Madrid Gazette " and the " Official Bulletin."

The Director-General of Customs.

*TREATY OF PEACE between Japan and Russia.—Signed at
Portsmouth, ^{August 28}_{September 5}, 1905.*

[Ratified. Treaty to come into force October 15, 1905.]

SA Majesté l'Empereur du Japon, d'une part, et Sa Majesté l'Empereur de Toutes les Russies, d'autre part, étant animés du désir de rétablir les bienfaits de la paix pour leurs pays et pour leurs peuples, ont décidé de conclure un Traité de Paix, et ont nommé à cet effet leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur du Japon, son Excellence le Baron Komura Jutaro, Jusammi, Grand Cordon de l'Ordre Impérial du Soleil Levant, son Ministre des Affaires Étrangères ; et son Excellence M. Takahira Kogoro, Jusammi, Grand Cordon de l'Ordre Impérial du Trésor Sacré, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès des États-Unis d'Amérique ; et

Sa Majesté l'Empereur de Toutes les Russies, son Excellence M. Serge Witte, son Secrétaire d'État et Président du Comité des Ministres de l'Empire de Russie ; et son Excellence le Baron Roman Rosen, Maître de la Cour Impériale de Russie, et son Ambassadeur Extraordinaire et Plénipotentiaire auprès des États-Unis d'Amérique ;

* Vol. LXXXIV, page 1318.

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont conclu les Articles suivants :—

ART. I. Il y aura à l'avenir paix et amitié entre leurs Majestés l'Empereur du Japon et l'Empereur de Toutes les Russies, ainsi qu'entre leurs États et sujets respectifs.

II. Le Gouvernement Impérial de Russie, reconnaissant que le Japon possède en Corée des intérêts prédominants politiques, militaires, et économiques, s'engage à ne point intervenir ni mettre d'obstacles aux mesures de direction, de protection, et de contrôle que le Gouvernement Impérial du Japon pourrait considérer nécessaire de prendre en Corée.

Il est entendu que les sujets Russes en Corée seront traités exactement de la même manière que les ressortissants des autres pays étrangers, à savoir, qu'ils seront placés sur le même pied que les ressortissants de la nation la plus favorisée.

Il est de même convenu que, pour éviter toute cause de mal-entendu, les deux Hautes Parties Contractantes s'abstiendront, sur la frontière Russo-Coréenne, de prendre toute mesure militaire qui pourrait menacer la sécurité du territoire Russe ou Coréen.

III. Le Japon et la Russie s'engagent mutuellement :

1. A évacuer complètement et simultanément la Mandchourie, à l'exception du territoire sur lequel s'étend le bail de la Presqu'Île de Liaotong, conformément aux dispositions de l'Article Additionnel I annexé à ce Traité ; et

2. A restituer entièrement et complètement à l'administration exclusive de la Chine toutes les parties de la Mandchourie qui sont occupées maintenant par les troupes Japonaises ou Russes ou qui sont sous leur contrôle, à l'exception du territoire susmentionné.

Le Gouvernement Impérial de Russie déclare qu'il n'a point en Mandchourie d'avantages territoriaux ou concessions préférentielles ou exclusives de nature à porter atteinte à la souveraineté de la Chine ou incompatibles avec le principe d'opportunité égale.

IV. Le Japon et la Russie s'engagent réciproquement à ne mettre aucun obstacle aux mesures générales qui s'appliquent également à toutes les nations et que la Chine pourrait prendre pour le développement du commerce et de l'industrie en Mandchourie.

V.* Le Gouvernement Impérial de Russie cède au Gouvernement Impérial du Japon, avec le consentement du Gouvernement de Chine, le bail de Port Arthur, de Talien, et des territoires et eaux territoriales adjacents, ainsi que tous les droits, privilèges, et concessions se rattachant à ce bail ou en faisant partie, et il cède, de même, au Gouvernement Impérial du Japon, tous les travaux et propriétés publics dans le territoire sur lequel s'étend le bail susmentionné.

* See also Treaty between Japan and China, page 740.

Les deux Hautes Parties Contractantes s'engagent mutuellement à obtenir du Gouvernement de Chine le consentement mentionné dans la stipulation ci-dessus.

Le Gouvernement Impérial du Japon donne, de sa part, l'assurance que les droits de propriété des sujets Russes dans le territoire susmentionné seront parfaitement respectés.

VI.* Le Gouvernement Impérial de Russie s'engage à céder au Gouvernement Impérial du Japon, sans compensation, avec le consentement du Gouvernement de Chine, le chemin de fer entre Tchan-Tchoun (Kouan-Tchen-Tsy) et Port Arthur, et tous ses embranchements, avec tous les droits, privilèges et propriétés y appartenant dans cette région, ainsi que toutes les mines de charbon dans la dite région, appartenant à ce chemin de fer ou en exploitation pour son profit.

Les deux Hautes Parties Contractantes s'engagent mutuellement à obtenir du Gouvernement de Chine le consentement mentionné dans la stipulation ci-dessus.

VII. Le Japon et la Russie s'engagent à exploiter leurs chemins de fer respectifs en Mandchourie exclusivement dans un but commercial et industriel, mais nullement dans un but stratégique.

Il est entendu que cette restriction ne s'applique pas aux chemins de fer dans le territoire sur lequel s'étend le bail de la Presqu'Île de Liaotong.

VIII. Les Gouvernements Impériaux du Japon et de Russie, en vue de favoriser et de faciliter les relations et le trafic, concluront, aussitôt que possible, une Convention séparée pour le règlement de leurs services de raccordement de chemins de fer en Mandchourie.

IX. Le Gouvernement Impérial de Russie cède au Gouvernement Impérial du Japon en perpétuité et en pleine souveraineté la partie sud de l'Île de Sakhaline et toutes les îles qui y sont adjacentes, ainsi que tous les travaux et propriétés publics qui s'y trouvent. Le 50° parallèle de latitude nord est adopté comme la limite du territoire cédé. La ligne-frontière exacte de ce territoire sera déterminée conformément aux dispositions de l'Article Additionnel II annexé à ce Traité.

Le Japon et la Russie conviennent mutuellement de ne construire dans leurs possessions respectives sur l'Île de Sakhaline et sur les îles qui y sont adjacentes aucune fortification ni travaux militaires semblables. De même, ils s'engagent respectivement à ne prendre aucune mesure militaire qui pourrait entraver la libre navigation des Détroits de La Pérouse et de Tartarie.

X. Il est réservé aux sujets Russes habitants du territoire cédé au Japon de vendre leurs propriétés immobilières et de se retirer dans leur pays ; mais, s'ils préfèrent rester dans le territoire cédé,

* See also Treaty between Japan and China, page 740.

ils seront maintenus et protégés dans le plein exercice de leurs industries et droits de propriété, à la condition de se soumettre aux lois et à la juridiction Japonaises. Le Japon aura la pleine liberté de retirer le droit de résidence dans ce territoire à tous les habitants se trouvant dans l'incapacité politique ou administrative, ou de les déporter de ce territoire. Il s'engage toutefois à ce que les droits de propriété de ces habitants soient pleinement respectés.

XI. La Russie s'engage à s'entendre avec le Japon pour concéder aux sujets Japonais des droits de pêche le long des côtes des possessions Russes dans les Mers du Japon, d'Okhotsk, et de Behring.

Il est convenu que l'engagement susmentionné ne portera pas atteinte aux droits déjà appartenant aux sujets Russes ou étrangers dans ces régions.

XII. Le Traité de Commerce et de Navigation entre le Japon et la Russie ayant été annulé par la guerre, les Gouvernements Impériaux du Japon et de Russie s'engagent à adopter comme base de leurs relations commerciales, jusqu'à la conclusion d'un nouveau Traité de Commerce et de Navigation sur la base du Traité qui était en vigueur antérieurement à la guerre actuelle, le système du traitement réciproque sur le pied de la nation la plus favorisée, y compris les tarifs d'importation et d'exportation, les formalités de douane, les droits de transit et de tonnage, et l'admission et le traitement des agents, des sujets et des vaisseaux d'un pays dans le territoire de l'autre.

XIII. Aussitôt que possible après la mise en vigueur du présent Traité tous les prisonniers de guerre seront réciproquement restitués. Les Gouvernements Impériaux du Japon et de Russie nommeront, chacun de son côté, un Commissaire Spécial qui se chargera des prisonniers. Tous les prisonniers se trouvant entre les mains de l'un des Gouvernements seront remis au Commissaire de l'autre Gouvernement, ou à son représentant dûment autorisé, qui les recevra en tel nombre et dans tels ports convenables de l'État remettant que ce dernier aurait notifié d'avance au Commissaire de l'État recevant.

Les Gouvernements du Japon et de Russie présenteront l'un à l'autre, le plus tôt possible après que la remise des prisonniers aura été achevée, un compte documenté des dépenses directes faites respectivement par eux pour le soin et l'entretien des prisonniers depuis la date de la capture ou de la reddition jusqu'à celle de la mort ou de la remise. La Russie s'engage à rembourser au Japon, aussitôt que possible après l'échange de ces comptes, comme il est stipulé ci-dessus, la différence entre le montant réel ainsi dépensé par le Japon et le montant réel également déboursé par la Russie.

XIV. Le présent Traité sera ratifié par leurs Majestés l'Empereur

du Japon et l'Empereur de Toutes les Russies. Cette ratification sera, dans le plus bref délai possible, et en tous cas pas plus tard que dans cinquante jours à partir de la date de la signature du Traité, notifiée aux Gouvernements Impériaux du Japon et de Russie respectivement, par l'intermédiaire du Ministre de France à Tôkiô et de l'Ambassadeur des États-Unis d'Amérique à Saint-Pétersbourg, et à partir de la date de la dernière de ces notifications ce Traité sera, dans toutes ses parties, mis en pleine vigueur.

L'échange formel des ratifications se fera à Washington aussitôt que possible.

XV. Le présent Traité sera signé en double, en langues Anglaise et Française. Les deux textes sont absolument conformes ; mais, en cas de divergence d'interprétation, le texte Français fera foi.

En foi de quoi les Plénipotentiaires respectifs ont signé et scellé de leurs sceaux le présent Traité de Paix.

Fait à Portsmouth (New Hampshire), le 5^e jour du 9^e mois de la 38^e année de Meidji, correspondant au ^{23 Août}_{5 Septembre} de l'an 1905.

(L.S.) SERGE WITTE.

(L.S.) ROSEN.

(L.S.) JUTARO KOMURA.

(L.S.) K. TAKAHIRA.

Conformément aux dispositions des Articles III et IX du Traité de Paix entre le Japon et la Russie en date de ce jour, les Plénipotentiaires soussignés ont conclu les Articles Additionnels suivants :—

1.—*Ad Article III.*

Les Gouvernements Impériaux du Japon et de Russie s'engagent mutuellement à commencer le retrait de leurs forces militaires du territoire de la Mandchourie simultanément et immédiatement après la mise en vigueur du Traité de Paix ; et dans une période de dix-huit mois, à partir de cette date, les armées des deux Puissances seront complètement retirées de la Mandchourie, à l'exception du territoire à bail de la Presqu'Île de Liaotong.

Les forces des deux Puissances occupant les positions frontales seront retirées les premières.

Les Hautes Parties Contractantes se réservent le droit de maintenir des gardes pour protéger leurs lignes de chemins de fer respectives en Mandchourie. Le nombre de ces gardes n'excédera pas quinze hommes par kilomètre ; et dans la limite de ce nombre maximum les Commandants des armées Japonaises et Russes fixeront, de commun accord, le nombre des gardes qui seront employés, le plus minime possible conformément aux exigences réelles.

Les Commandants des forces Japonaises et Russes en Mandchourie s'entendront sur tous les détails relatifs à l'exécution de l'évacuation conformément aux principes ci-dessus énumérés, et prendront, de commun accord, les mesures nécessaires pour effectuer l'évacuation aussitôt que possible, et en tous cas pas plus tard que dans la période de dix-huit mois.

2.—*Ad Article IX,*

Aussitôt que possible après la mise en vigueur du présent Traité, une Commission de Délimitation, composée d'un nombre égal de membres qui seront nommés respectivement par les deux Hautes Parties Contractantes, marquera, sur les lieux, d'une manière permanente, la ligne exacte entre les possessions Japonaises et Russes de l'Ile de Sakhaline. La Commission sera tenue, autant que les considérations topographiques le permettent, à suivre le 50° parallèle de latitude nord pour la ligne de démarcation, et dans le cas où des déviations de la dite ligne sur quelques points seront trouvés nécessaires, compensation en sera faite par des déviations corrélatives sur d'autres points. Il sera, de même, le devoir de la dite Commission de préparer une liste et description des îles adjacentes qui seront comprises dans la cession, et finalement la Commission préparera et signera les cartes constatant les limites du territoire cédé. Les travaux de la Commission seront soumis à l'approbation des Hautes Parties Contractantes.

Les Articles Additionnels mentionnés ci-dessus seront considérés comme ratifiés par la ratification du Traité de Paix auquel ils sont annexés.

Portsmouth, le 5^e jour du 9^e mois de la 38^e année de Meidji, correspondant au ^{23 Août}_{5 Septembre}, 1905.

SERGE WITTE.

ROSEN.

JUTARO KOMURA.

K. TAKAHIRA.

*TREATY AND SUPPLEMENTARY AGREEMENT
between Japan and China respecting Manchuria.—Signed
at Peking, December 22, 1905.*

(Official translation.*)

His Majesty the Emperor of Japan and His Majesty the Emperor of China, desiring to adjust certain matters of common concern growing out of the Treaty of Peace between Japan and Russia of the 5th September, 1905,† have resolved to conclude a

* As published in Tôkiô, January 11, 1906.

† Page 735.

Treaty with that object in view, and have for that purpose named their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Komura Jutaro, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty; and Uchida Yasuya, Jushii, Grand Officer of the Imperial Order of the Rising Sun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary; and

His Majesty the Emperor of China, Prince Ch'ing, President, Minister for Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty; Chu Hung-chi, Minister for Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty; and Yuan Shih-kai, Viceroy of the Province of Chihli, Junior Guardian of the Heir-Apparent, Minister Superintendent of Trade for the Northern Ports and Plenipotentiary of His Majesty;

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon and concluded the following Articles:—

ART. I. The Imperial Chinese Government consent to all the transfers and assignments made by Russia to Japan by Articles V and VI of the Treaty of Peace above mentioned.

II. The Imperial Japanese Government engage that in regard to the leased territory, as well as in the matter of railway construction and exploitation, they will, so far as circumstances permit, conform to the original Agreements concluded between China and Russia. In case any question arises in the future on these subjects, the Japanese Government will decide it in consultation with the Chinese Government.

III. The present Treaty shall come into full force from the date of signature. It shall be ratified by their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Peking as soon as possible, and not later than two months from the present date.

In witness whereof the respective Plenipotentiaries have signed this Treaty in duplicate in the Japanese and Chinese languages, and have thereto affixed their seals.

Done in Peking this 22nd day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsü (December 22, 1905).

(L.S.) KOMURA JUTARO.

(L.S.) UCHIDA YASUYA.

(L.S.) PRINCE CH'ING.

(L.S.) CHU HUNG-CHI.

(L.S.) YUAN SHIH-KAI.

SUPPLEMENTARY AGREEMENT.

The Governments of Japan and China, with a view to regulate for their guidance certain questions in which they are both interested in Manchuria, in addition to those provided for in the Treaty signed this day, have agreed as follows :—

ART. I. The Imperial Chinese Government agree that, as soon as possible after the evacuation of Manchuria by the Japanese and Russian forces, the following cities and towns in Manchuria will be opened by China herself as places of international residence and trade:

In the Province of Shingking—

Fenghwangcheng ;

Liaoyang ;

Hsinmintun ;

Tiehling ;

Tungskiangtzu ; and

Fakumen.

In the Province of Kirin—

Changchun (Kuanchengtzu) ;

Kirin ;

Harbin ;

• Ninguta ;

Hunchun ; and

Sanhsing.

In the Province of Heilungkiang—

Tsitsihar ;

Hailar ;

Aihun* ; and

Manchuli.

II. In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and, in order to meet this desire, the Imperial Japanese Government, in the event of Russia agreeing to the withdrawal of her railway guards, or in case that other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been re-established in Manchuria, and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia.

III. The Imperial Japanese Government, immediately upon the withdrawal of their troops from any regions in Manchuria, shall

* Aigun.

notify the Imperial Chinese Government of the regions thus evacuated, and even within the period stipulated for the withdrawal of troops in the Additional Articles* of the Treaty of Peace between Japan and Russia, the Chinese Government may send necessary troops to the evacuated regions of which they have been already notified as above mentioned, for the purpose of maintaining order and tranquillity in those regions. If in the regions from which Japanese troops have not yet been withdrawn any villages are disturbed or damaged by native bandits, the Chinese local authorities may also dispatch a suitable military force for the purpose of capturing or dispersing those bandits. Such troops, however, shall not proceed within 20 Chinese *li* from the boundary of the territory where Japanese troops are stationed.

IV. The Imperial Government of Japan engage that Chinese public and private property in Manchuria, which they have occupied or expropriated on account of military necessity, shall be restored at the time the Japanese troops are withdrawn from Manchuria, and that such property as is no longer required for military purposes shall be restored even before such withdrawal.

V. The Imperial Chinese Government engage to take all necessary measures to protect fully and completely the grounds in Manchuria in which the tombs and monuments of the Japanese officers and soldiers who were killed in war are located.

VI. The Imperial Chinese Government agree that Japan has the right to maintain and work the military railway line constructed between Antung and Mukden, and to improve the said line so as to make it fit for the conveyance of commercial and industrial goods of all nations. The term for which such right is conceded is fifteen years from the date of the completion of the improvements above provided for. The work of such improvements to be completed within two years, exclusive of a period of twelve months during which it will have to be delayed owing to the necessity of using the existing line for the withdrawal of troops. The term of the concession above mentioned is therefore to expire in the 49th year of Kuang Hsü. At the expiration of that term, the said railway shall be sold to China at a price to be determined by appraisement of all its properties by a foreign expert who will be selected by both parties. The conveyance by the railway of the troops and munitions of war of the Chinese Government prior to such sale shall be dealt with in accordance with the Regulations of the Eastern Chinese Railway. Regarding the manner in which the improvements of the railway are to be effected, it is agreed that the person undertaking the work on behalf of Japan shall consult with the Commissioner

* See page 739.

dispatched for the purpose by China. The Chinese Government will also appoint a Commissioner to look after the business relating to the railway as is provided in the Agreement relating to the Eastern Chinese Railway.

It is further agreed that detailed Regulations shall be concluded regarding the tariffs for the carriage by the railway of the public and private goods of China.

VII. The Governments of Japan and China, with a view to promote and facilitate intercourse and traffic, will conclude, as soon as possible, a separate Convention for the regulation of connecting services between the railway lines in South Manchuria and all the other railway lines in China.

VIII. The Imperial Chinese Government engage that all materials required for the railways in South Manchuria shall be exempt from all duties, taxes, and *li-kin*.

IX. The methods of laying out the Japanese Settlement at Yinkow in the Province of Shingking, which has always been opened to trade, and at Antung and Mukden in the same province, which are still unopen though stipulated to be opened, shall be separately arranged and determined by officials of Japan and China.

X. The Imperial Chinese Government agree that a Joint Stock Company of Forestry, composed of Japanese and Chinese capitalists, shall be organized for the exploitation of the forests in the regions on the right bank of the River Yalu, and that a detailed Agreement shall be concluded in which the area and term of the concession as well as the organization of the company and all regulations concerning the joint work of exploitation shall be provided for. The Japanese and Chinese shareholders shall share equally in the profits of the undertaking.

XI. The Governments of Japan and China engage that in all that relates to frontier trade between Manchuria and Corea most-favoured-nation treatment shall be reciprocally extended.

XII. The Governments of Japan and China engage that in all matters dealt with in the Treaty signed this day or in the present Agreement the most favourable treatment shall be reciprocally extended.

The present Agreement shall take effect from the date of signature. When the Treaty signed this day is ratified, this Agreement shall also be considered as approved.

In witness whereof, the Undersigned, duly authorized by their respective Governments, have signed the present Agreement in duplicate in the Japanese and Chinese languages, and have thereto affixed their seals.

Done at Peking, this 22nd day of the 12th month of the 38th

year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsü (December 22, 1905).

(L.S.) KOMURA JUTARO.

(L.S.) UCHIDA YASUYA.

(L.S.) PRINCE CH'ING.

(L.S.) CHU-HUNG-CHI.

(L.S.) YUAN-SHIH-KAI.

CONVENTION between Mexico and Spain for assuring the right of exercising the Liberal Professions. — Signed at Mexico, May 28, 1904.

[Ratifications exchanged at Mexico, December 22, 1904.]

(Translation.)

THE President of the United States of Mexico, and His Majesty the King of Spain, desirous of adopting, by mutual agreement, the most advantageous means of assuring in both countries the right of exercising the liberal professions, have resolved, with this end in view, to celebrate a Convention, for which purpose they have nominated their respective Plenipotentiaries, viz.:

The President of the United States of Mexico: Señor Licenciado Don Ignacio Mariscal, Minister for Foreign Affairs; and

His Majesty the King of Spain: the Marquess de Prat de Nantouillet, his Envoy Extraordinary and Minister Plenipotentiary in the United States of Mexico;

Who, after having mutually exhibited their full powers, which were found to be in good and due form, have agreed upon the following Articles:—

ART. I. The natives of the countries of each of the High Contracting Parties shall be permitted to exercise, in the territory of the other, the profession which, by means of a diploma or title, issued by a competent authority in their country, they have been authorized to carry on.

II. In order that the title or diploma referred to in the previous Article produce the result expressed, it is required—

1. That the same, duly legalized, be exhibited before the Minister of Public Instruction.

2. That the exhibitor of such diploma or title furnish adequate proof, by means of a certificate from the Legation, or the nearest Consulate of his country, that he is actually the person in whose favour the said document has been issued.

3. That the interested party, on soliciting in one of the two countries, the recognition of the validity of a professional title or diploma issued by the other, for the exercise of a certain profession, furnish satisfactory proof that the said title or diploma also entitles him to exercise the same profession in the country in which it was issued.

III. Certificates of partially completed studies, issued by a competent authority in one of the two countries, shall be valid in the other, and shall admit of carrying on subsequent studies in that country, subject to the fulfilment of the following requirements:—

1. That the interested party produce a duly legalized certificate, proving that he has successfully passed through the respective courses of instruction in an establishment of which the examinations or certificates of proficiency are officially recognized as valid, in the country in which the studies have been carried on.

2. The exhibition of a certificate issued by the Legation, or the nearest Consulate of the country to which the applicant belongs, proving that he is actually the person in whose favour the said certificate has been issued.

3. The production of a statement from the consultative or teaching body appointed by the laws of the country issuing the certificate, showing the studies demanded by the national regulations, which may be deemed the equivalent of those required by the country in which it is desired to make use of the certificate.

IV. Professional titles and certificates of partially completed studies, issued by one of the Contracting Countries, will only attain, in the other, the results referred to in Articles I and III of this Treaty, provided that the said partially completed studies be equivalent, or that the titles in question refer to matters which admit of a satisfactory comparison. Consequently, when in one of the two countries partial studies are required for the issue of a title, which are not required in the other country, the said titles shall not be valid until the holders afford proof, by undergoing the corresponding examination, of having carried out these partial studies.

V. In order to obtain a professional title or diploma, or a certificate of studies in one of the Contracting Countries, the natives of the other must comply with the same requirements as are by local laws established for those who study in the schools of the first of the said countries.

VI. In the case of the professions of medicine, surgery, and pharmacy, or of any other allied profession, it may be demanded, in the country in which the right to exercise such profession be claimed, that the applicant submit to a previous examination, on the basis of the studies in vogue in either country.

VII. The titles issued by the authorities of one of the Contracting

Countries, in favour of any individual, do not authorize him to exercise, in the other country, any employment or profession reserved to the natives of that country by any of its laws.

VIII. Each of the High Contracting Parties shall inform the other respecting which of its Universities or teaching centres are authorized to issue professional titles or certificates of studies, and shall further communicate all the necessary data for insuring the fulfilment of Article IV and other Articles of this Treaty.

IX. The privileges conceded by this Treaty to the natives of the countries of both Contracting Parties can only be extended to those of the Spanish speaking race, and by means of special agreement.

X. The present Convention shall remain in force for five years, counting from the day on which the exchange of ratifications is effected.

In the case that neither of the Contracting Parties notify the other, ten months before the expiration of the aforementioned period of its determination to annul the Convention, the same shall remain in force for a further period of five years.

In faith whereof the Plenipotentiaries have signed the present Treaty, in two original copies, and sealed them with their respective seals, in the City of Mexico, on the 28th day of the month of May, 1904.

(L.S.) IGNACIO MARISCAL.

(L.S.) THE MARQUESS DE PRAT DE
NANTOUILLET.

ORDINANCE of the Government of Netherlands India exempting Foreigners from Service in the Militia, &c.—Buitenzorg, September 27, 1904.

(Translation.)

In the name of the Queen!

THE Governor-General having heard the Council of Netherlands India salutes all who shall see this notice or hear it read, and gives notice—

That he, desiring to exempt all foreigners from personal Militia service and from contribution to the Militia funds;

Taking into consideration Articles 20, 29, 31, and 33 of the Regulations for the administration of the Government of Netherlands India,

Has decided and agreed:—

Firstly: Modifying in so far the Regulations for the Militia corps in Java ("Government Gazette," 1838, No 22) (declared by

the Ordinances of the 29th September, 1857 ("Government Gazette" No. 88), and 13th September, 1875 ("Government Gazette" No. 199) to apply in a modified form to the Militia corps at Padang and Ternate), in the Government of Celebes and dependencies ("Government Gazette," 1875, No. 275, and 1891, No. 69), and in the Residencies of Menado and Amboina ("Government Gazette," 1878, No. 107, and 1886, No. 136), to order that all foreigners be exempted from personal militia service and from contribution to the Militia funds.

Secondly: By foreigners in this Ordinance must be understood all persons who do not possess the status of Netherlands nor are natives, no distinction being made hereby between those natives who are and those who are not placed on an equality with Europeans.

Thirdly: This Ordinance comes into force for the Island of Java on the 1st November, 1904, and for the possessions outside thereof on the 1st January, 1905.

And so that nobody may plead ignorance of this Ordinance it shall be published in the "Government Gazette" of Netherlands India, and so far as necessary be exhibited publicly in the native and Chinese languages.

Further commands and orders that all higher and lesser corporate bodies and officials, officers and Justices, each as far as it may concern him or them, shall strictly enforce the carrying out of this Ordinance, without connivance or respect of persons.

Done at Buitenzorg, the 27th September, 1904.

W. ROOSEBOOM.

C. B. NEDERBURGH, *Government Secretary-General*.

Government "Gazette," No. 390.

Issued, 1st October, 1904.

C. B. NEDERBURGH, *Government Secretary-General*.

DENONCIATION du Traité du 22 Mars, 1894, entre la Suisse et la Norvège réglant les Relations Commerciales et l'Etablissement.—May 27, 1905.*

PAR note du 27 Mai, 1905, le Ministre de Suède et Norvège en résidence à Berne a dénoncé pour le 27 Mai, 1906, au nom de son Gouvernement, le Traité conclu le 22 Mars, 1894, entre la Suisse et

* Vol. LXXXVI, pages 1024 and 1026.

la Norvège pour régler les relations commerciales et l'établissement dans les deux pays.

Berne, le 30 Mai, 1905.

Par ordre du Conseil Fédéral :
Chancellerie Fédérale.

DECLARATION between Spain and Norway respecting the Duration of the Commercial Conventions of the 27th June, 1892, and the 25th August, 1903. — Signed at Madrid, February 5, 1904.

[Ratifications exchanged at Madrid, February 18, 1904.]

(Translation.)

WHEREAS the Spanish Senate has given its approval to the Convention of the 25th August, 1903,* which is additional to the Commercial Convention of the 27th June, 1892,† between Spain and Norway, with the indication that the duration stipulated for the said Conventions should be altered in such a way that they may be denounced at a year's notice, the respective Governments, being anxious to give all possible attention to this expression of the wishes of the Senate, have authorized the Undersigned (in the event of the said Additional Convention being also approved by the Congress of Deputies and the Storting of Norway) to fix, by means of this Declaration, at one year the duration of the said Conventions; and further to agree that this period shall be counted from the day on which the ratifications are exchanged, and that the Conventions shall subsequently continue in force until the expiration of one year to be reckoned from the day on which either of the High Contracting Parties may have denounced them.

Done in duplicate at Madrid, the 5th February, 1904.

(L.S.) FAUSTINO RODRIGUEZ SAN PEDRO.

(L.S.) F. WEDEL-JARLSBERG.

*EXCHANGE OF NOTES between the United States and Italy for the reciprocal Protection of Trade-marks in Morocco. —Tangier, June 13, 1903, to March 12, 1904.**

No. 1.—M. Malmusi to Consul-General Gummeré.

(Translation.)

DEAR COLLEAGUE,

Tangier, June 13, 1903.

I HAVE the honour to inform you that the Government of my Sovereign gives its adherence to the Agreements concluded and resulting from the Declarations exchanged in 1892, 1894, 1895, 1896, 1899, and 1900 between the Consulate-General of the United States and the Legations of France, Portugal, Belgium, Germany, Spain, Austria-Hungary, the Consulate-General of Holland, and the Legation of His Britannic Majesty, with regard to the mutual protection of property in trade-marks in Morocco.

1. By virtue of the civil and criminal jurisdiction which they have acquired and exercise in that country, the Consuls and Consular Courts of His Majesty have jurisdiction over all claims regarding the infringement of trade-marks by Italian subjects.

2. Consequently, all complaints addressed to them by American manufacturers to obtain protection for trade-marks duly registered in the kingdom against infringement by Italian subjects should in future be prosecuted in the first place before the Consular Court, and finally before the Royal Court of Appeal in Genoa.

3. The right of proprietorship in trade-marks is regulated in Italy by the Law of the 30th August, 1868.

I beg you, dear colleague, to take note of the present declaration, and let me know whether Italian subjects will have the same legal protection before the Consular authorities of the United States in all that concerns the proprietorship of their trade-marks duly registered in the United States.

Accept, &c.,

MALMUSI.

MR. GUMMERÉ, *Consul-General of the United States of America.*

No. 2.—Acting Consul-General H. Philip to M. Malmusi.

YOUR EXCELLENCY,

Tangier, July 29, 1903.

IN pursuance of your letter to the Consul-General of the 13th June last, I have the honour to inform you that I am in receipt of instructions from my Government authorizing me to

* As published in "Foreign Relations of the United States," 1904, pp. 407-409.

enter into a reciprocal Agreement with the Government of the Kingdom of Italy and the United States. The Agreement to be for the mutual protection of trade-marks registered in Italy and the United States against infringement in Morocco by subjects of the respective nations, on the lines of that now existing between the United States and Great Britain.

Accept, &c.,

HOFFMAN PHILIP,

M. MALMUSI, *Minister of Italy.*

Acting Consul-General.

No. 3.—Consul-General Gummeré to M. G. Gentile.

SIR,

Tangier, March 12, 1904.

REFERRING to the letter of the 13th June, 1903, received from his Excellency the Italian Minister, and to our interview of the 10th instant, I beg to assure you that I am authorized by my Government to declare that the same protection will be accorded by the Consular authorities of the United States in Morocco to Italian trade-marks duly registered in the United States in conformity with the laws, as that accorded to American trade-marks, under the same circumstances, by Italian Tribunals in Morocco.

Accept, &c.,

S. R. GUMMERÉ.

M. GIANATELLI GENTILE,

Chargé d'Affaires of Italy.

No. 4.—M. V. Macchi di Cellere to the Secretary of State of the United States.

(Translation.)

!Royal Embassy of Italy, Washington, D.C.,

MR. SECRETARY OF STATE,

December 19, 1903.

As your Excellency is aware, an Agreement was reached by an exchange of notes dated the 13th* and 4th August last between the Minister of Italy at Tangier and the Representative there of the United States of America respectively to defer to the Italian and American Consular Courts in Morocco disputes arising from the counterfeiting of trade-marks committed by the citizens of either country to the prejudice of those of the other.

The Government of the King has issued to the Royal Legation at Tangier appropriate instructions for the execution of this Agreement in accordance with Articles 65, 67, and 111 of the existing

* Evidently a clerical error. For dates of notes, see *ante*. The note of July 29 is a duplicate of the note of August 4. There is no note of August 13 in the correspondence, but one of June 13, 1903.

Consular Laws of Italy. I am directed by my Government and have, in consequence, the honour to transmit herewith to your Excellency the text of those instructions, together with its two accompaniments, for the due information of the Government of the United States, and in completion of the Agreement made at Tangier by the Representatives of the two States.

I embrace the opportunity, &c.,

V. MACCHI DI CELLERE.

DECLARATION between the United States and Luxemburg for the effective Protection of Trade-marks. — Signed at Luxemburg, December 23, and at The Hague, December 27, 1904.

THE Government of the United States of America and the Government of the Grand Duchy of Luxemburg, being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the Undersigned, being duly authorized to that effect, have agreed upon the following provisions:—

ART. I. The subjects and citizens of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same rights as are given to native subjects or citizens in matters relating to trade-marks.

II. In order to secure to their marks the protection stipulated for by the preceding Article, American citizens in the Grand Duchy of Luxemburg and Luxemburg subjects in the United States of America must fulfil the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

III. The present Arrangement shall take effect from the date of its official publication in the two countries,* and shall remain in force until the expiration of twelve months immediately following a denunciation made by one or the other of the Contracting Parties.

In witness whereof the Undersigned have signed the present Declaration, and have thereto affixed their seals.

Done in duplicate at Luxemburg, the 23rd, and in The Hague, the 27th December, 1904.

(L.S.) STANFORD NEWEL.

(L.S.) EYSCHEN.

* March 15, 1905.

CONVENTION between the United States and Mexico, respecting the Frontier between the two Countries as defined by the course of the Rio Grande.—Signed at Washington, March 20, 1905.

[Ratifications exchanged at Washington, May 31, 1907.]

WHEREAS, for the purpose of obviating the difficulties arising from the application of Article V of the Treaty of Guadalupe Hidalgo, dated the 2nd February, 1848,* and Article I of the Treaty of the 30th December, 1853,† both concluded between Mexico and the United States of America—difficulties growing out of the frequent changes to which the beds of the Rio Grande and Colorado River are subject—there was signed in Washington on the 12th November, 1884,‡ by the Plenipotentiaries of Mexico and the United States, a Convention containing the following stipulations:—

“ART. I. The dividing line shall for ever be that described in the aforesaid Treaty and follow the centre of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers: Provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

“II. Any other change, wrought by the force of the current whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.”

Whereas, as a result of the topographical labours of the Boundary Commission created by the Convention of the 1st March, 1889,§ it has been observed that there is a typical class of changes effected in the bed of the Rio Grande, in which, owing to slow and gradual erosion, coupled with avulsion, said river abandons its old channel and there are separated from it small portions of land known as “bancos” bounded by the said old bed, and which, according to the terms of Article II of the aforementioned Convention of 1884, remain

* Vol. XXXVII, page 567.

† Vol. LXXV, page 994.

‡ Vol. XLII, page 724.

§ Vol. LXXXI, page 739.

subject to the dominion and jurisdiction of the country from which they have been separated ;

Whereas said "bancos" are left at a distance from the new river bed, and, by reason of the successive deposits of alluvium, the old channel is becoming effaced, the land of said "bancos" becomes confused with the land of the "bancos" contiguous thereto, thus giving rise to difficulties and controversies, some of an international and others of a private character ;

Whereas the labours of the International Boundary Commission, undertaken with the object of fixing the boundary-line with reference to the "bancos," have demonstrated that the application to these "bancos" of the principle established in Article II of the Convention of 1884 renders difficult the solution of the controversies mentioned, and, instead of simplifying, complicates the said boundary-line between the two countries ;

Therefore, the Governments of the United States of Mexico and the United States of America, being desirous to enter into a Convention to establish more fitting rules for the solution of such difficulties, have appointed as their Plenipotentiaries :

That of the United States of Mexico, its Ambassador Extraordinary and Plenipotentiary, Licenciado Don Manuel de Azpíroz ;

That of the United States of America, Alvey A. Adee, Acting Secretary of State of the United States ;

Who, after exhibiting their full powers, found to be in good and due form, have agreed to the following Articles :—

ART. I. The fifty-eight "bancos" surveyed and described in the report of the consulting Engineers, dated the 30th May, 1898, to which reference is made in the record of proceedings of the International Boundary Commission, dated the 14th June, 1898, and which are drawn on fifty-four maps on a scale of 1 to 5,000, and three index maps, signed by the Commissioners and by the Plenipotentiaries appointed by the Convention, are hereby eliminated from the effects of Article II of the Treaty of the 12th November, 1884.

Within the part of the Rio Grande comprised between its mouth and its confluence with the San Juan River the boundary-line between the two countries shall be the broken red line shown on the said maps—that is, it shall follow the deepest channel of the stream—and the dominion and jurisdiction of so many of the aforesaid fifty-eight "bancos" as may remain on the right bank of the river shall pass to Mexico, and the dominion and jurisdiction of those of the said fifty-eight "bancos" which may remain on the left bank shall pass to the United States of America.

II. The International Commission shall, in the future, be guided by the principle of elimination of the "bancos" established in the foregoing Article, with regard to the labours concerning the boundary-

line throughout that part of the Rio Grande and the Colorado River which serves as a boundary between the two nations. There are hereby excepted from this provision the portions of land segregated by the change in the bed of the said rivers having an area of over 250 hectares or a population of over 200 souls, and which shall not be considered as "bancos" for the purposes of this Treaty, and shall not be eliminated, the old bed of the river remaining, therefore, the boundary in such cases. —————

III. With regard to the "bancos" which may be formed in future, as well as to those already formed, but which are not yet surveyed, the Boundary Commission shall proceed to the places where they have been formed, for the purpose of duly applying Articles I and II of the present Convention, and the proper maps shall be prepared, in which the changes that have occurred shall be shown in a manner similar to that employed in the preparation of the maps of the afore-mentioned fifty-eight "bancos."

As regards these "bancos," as well as those already formed but not surveyed, and those that may be formed in future, the Commission shall mark on the ground with suitable monuments the bed abandoned by the river, so that the boundaries of the "bancos" shall be clearly defined.

On all separated land on which the successive alluvium deposits have caused to disappear those parts of the abandoned channel which are adjacent to the river, each of the extremities of said channel shall be united by means of a straight line to the nearest part of the bank of the same river.

IV. The citizens of either of the two contracting countries who, by virtue of the stipulations of this Convention, shall in future be located on the land of the other may remain thereon or remove at any time to whatever place may suit them, and either keep the property which they possess in said territory or dispose of it. Those who prefer to remain on the eliminated "bancos" may either preserve the title and rights of citizenship of the country to which the said "bancos" formerly belonged, or acquire the nationality of the country to which they will belong in the future.

Property of all kinds situated on the said "bancos" shall be inviolably respected, and its present owners, their heirs, and those who may subsequently acquire the property legally, shall enjoy as complete security with respect thereto as if it belonged to citizens of the country where it is situated.

V. This Convention shall be ratified by the two High Contracting Parties in accordance with their respective Constitutions, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof we, the Undersigned, by virtue of our respective powers, have signed the present Convention, both in

the Spanish and English languages, and have thereunto affixed our seals.

Done in duplicate, at the city of Washington, this 20th day of March, 1905.

(L.S.) M. DE AZPIROZ.

(L.S.) ALVEY A. ADEE.

TREATY between the United States and Norway, amending the Extradition Treaty of the 7th June, 1893, between the two Countries.—Signed at Washington, December 10, 1904.

[Ratifications exchanged at Washington, April 4, 1905.]

WHEREAS the Kingdom of Norway has enacted a new Penal Code, taking effect on the 1st January, 1905, by which the penalty of imprisonment at hard labour is abolished, the United States of America and His Majesty the King of Sweden and Norway have deemed it expedient to conclude a Treaty amending, in this respect, the Treaty of Extradition concluded between the same High Contracting Parties on the 7th June, 1893,* and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART. I. The last paragraph of Article II of the Treaty of Extradition concluded on the 7th June, 1893, between the United States of America and His Majesty the King of Sweden and Norway, is hereby amended, to take effect on the 1st January, 1905, by striking out, after the word "Norway," the words "by imprisonment at hard labour," and inserting in their place "by a higher penalty than imprisonment for three months."

The paragraph in question shall then read, as amended:—

"Extradition is also to take place for participation in any of the crimes and offences mentioned in this Treaty, provided such

* Vol. LXXXV, page 468.

participation may be punished in the United States as a felony, and in Norway by a higher penalty than imprisonment for three months."

II. The ratifications of the present Treaty shall be exchanged as soon as possible, and it shall remain in force as long as the Treaty of Extradition hereby amended, and shall be terminable on the same notice.

In witness whereof the respective Plenipotentiaries have signed above Articles, both in the English and Norwegian languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this 10th day of December, 1904.

(L.S.) JOHN HAY.

(L.S.) J. A. W. GRIP.

*ARRANGEMENT between Belgium and Costa Rica for the reciprocal Protection of Trade-marks. — Signed at Brussels, April 25, 1902.**

[Ratifications exchanged at Brussels, January 30, 1903.]

SA Majesté le Roi des Belges et son Excellence le Président de la République de Costa-Rica, désirant assurer à leurs nationaux la protection réciproque des marques de fabrique ou de commerce, ont désigné pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron de Favereau, Chevalier de l'Ordre de Léopold, Sénateur, son Ministre des Affaires Étrangères ;

Son Excellence le Président de la République de Costa-Rica, Don Manuel M. de Peralta, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République de Costa Rica en Belgique, Officier de l'Ordre de Léopold ;

Lesquels, ayant échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Costa-Riciens en Belgique et les Belges au Costa-Rica jouiront de la même protection que les nationaux en ce qui concerne les marques de fabrique ou de commerce.

II. Pour assurer à leurs marques de fabrique ou de commerce la protection stipulée à l'Article précédent, les Costa-Riciens en Belgique et les Belges au Costa-Rica seront tenus de se conformer aux formalités prescrites par les lois et règlements des États Contractants.

* Signed also in the Spanish language.

Il est entendu que les marques de fabrique ou de commerce auxquelles s'applique le présent Arrangement sont celles qui, dans les deux pays, appartiennent légitimement aux industriels et négociants qui en usent, c'est-à-dire, que le caractère d'une marque Belge devra être apprécié d'après la loi Belge, de même que celui d'une marque Costa-Ricienne devra être jugé d'après la loi Costa-Ricienne.

III. Si une marque de fabrique ou de commerce appartient au domaine public dans le pays d'origine, elle ne pourra être l'objet d'une jouissance exclusive dans l'autre pays.

IV. Le présent Arrangement sera exécutoire pendant cinq ans, qui commenceront à courir à partir de l'échange des ratifications. Néanmoins, si un an avant l'expiration de ce terme aucune des deux Parties Contractantes n'annonce à l'autre, par une déclaration officielle, son intention d'en faire cesser les effets, le dit Arrangement restera encore obligatoire pendant une année après les cinq ans, et ainsi de suite, d'année en année, il restera en vigueur aussi longtemps que la notification préalable n'aura pas été faite.

V. Le présent Arrangement sera ratifié et l'échange des ratifications aura lieu à Bruxelles dans les six mois qui suivront la signature de l'Acte.

En foi de quoi les Soussignés ont dressé le présent Arrangement et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, en double exemplaire, le 25 Avril, 1902.

(L.S.) P. DE FAVEREAU.

(L.S.) MANUEL M. DE PERALTA.

*EXTRADITION CONVENTION concluded between the Governments of Belgium and Costa Rica. — Signed at Brussels, April 25, 1902.**

[Ratifications exchanged at Brussels, January 30, 1903.]

SA Majesté le Roi des Belges et son Excellence le Président de la République de Costa-Rica, désirant régler par une Convention l'extradition des criminels, ont désigné à cet effet, comme Plénipotentiaires :

Sa Majesté le Roi des Belges, M. le Baron de Favereau, Chevalier de l'Ordre de Léopold, Sénateur, son Ministre des Affaires Étrangères ; et

* Signed also in the Spanish language.

Son Excellence le Président de la République de Costa-Rica, Don Manuel M. de Peralta, Envoyé Extraordinaire et Ministre Plénipotentiaire de Costa-Rica en Belgique, Officier de l'Ordre de Léopold ;

Lesquels, ayant échangé leurs pleins pouvoirs et les ayant trouvés en règle, ont arrêté les Articles suivants :—

ART. I. Le Gouvernement Belge et le Gouvernement de Costa-Rica s'engagent à se livrer réciproquement, sur la demande que l'un adressera à l'autre, à la seule exception de leurs nationaux, les individus poursuivis ou condamnés comme auteurs ou complices, à raison d'un des crimes ou délits spécifiés à l'Article II, par les autorités judiciaires de l'une des deux Parties et trouvés sur le territoire de l'autre Partie.

Lorsque le fait motivant la demande d'extradition aura été commis hors du territoire de l'État requérant, il pourra être donné suite à cette demande, si la législation du pays requis autorise la poursuite du fait similaire commis à l'étranger.

II. Les crimes et délits à raison desquels l'extradition sera accordée sont les suivants :

1. Homicide volontaire, comprenant les crimes d'assassinat, de meurtre, parricide, infanticide, et empoisonnement.

2. Incendie.

3. Coups et blessures graves pouvant donner lieu à extradition suivant la loi des deux pays.

4. Viol, attentats à la pudeur avec violence, attentats à la pudeur sans violence sur des enfants au-dessous de l'âge déterminé par la législation pénale des deux pays.

5. Enlèvement de mineurs, recel, suppression, substitution, ou supposition d'enfant.

6. Vol et pillage.

7. Dégâts ou entraves aux voies ferrées mettant ou pouvant mettre en péril la vie des voyageurs.

8. Piraterie ou révolte à bord des navires quand l'équipage ou les passagers s'emparent du navire par surprise ou violence envers le capitaine.

9. Association de malfaiteurs.

10. Faux en écritures ; falsification de documents ou dépêches télégraphiques ; usage de faux.

11. Falsification ou altération frauduleuse d'actes officiels émanant du Gouvernement ou de l'autorité publique ainsi que des Tribunaux de Justice ; usage frauduleux des actes ainsi altérés ou falsifiés.

12. Fabrication de fausse monnaie ; falsification ou altération de titres ou coupons de la dette publique, de billets de banque nationaux ou étrangers, de papier monnaie ou d'autres valeurs publiques de crédit ; de sceaux, timbres, coins, marques de l'État

ou des administrations publiques; mise en circulation ou usage frauduleux des objets mentionnés ci-dessus, altérés ou falsifiés.

13. Soustraction de deniers publics par des employés publics ou dépositaires.

14. Banqueroute frauduleuse.

15. Extorsion; attentats à la liberté individuelle et à l'inviolabilité du domicile, commis par des particuliers.

16. Faux témoignage, parjure et subornation de témoins, experts, ou interprètes.

17. Escroquerie.

18. Abus de confiance.

19. Avortement.

20. Bigamie.

21. Excitation habituelle à la débauche de mineurs.

22. Recèlement d'objets obtenus à l'aide d'un des crimes ou délits mentionnés au présent Article.

23. Tentative de l'un de ces crimes et délits, lorsqu'elle est punissable d'après la législation des deux Parties Contractantes.

Dans tous les cas, les faits pour lesquels l'extradition est demandée doivent entraîner, d'après la loi du pays réclamant, une peine de deux ans au moins d'emprisonnement, et l'extradition ne pourra avoir lieu que lorsque le fait similaire sera punissable d'après la législation du pays auquel la demande est adressée.

L'extradition ne pourra non plus avoir lieu pour des faits qui ne peuvent être poursuivis que sur plainte de la partie lésée.

III. S'il se présentait quelque cas rentrant dans la catégorie des faits prévus par l'Article précédent, tel que l'extradition parût contraire, quant à ses conséquences, aux principes d'humanité admis dans la législation de l'État requis, celui-ci aurait le droit de ne pas livrer l'individu réclamé.

Dans ce cas et dans tout autre où il y aurait doute sur le point de savoir si la présente Convention est applicable, des explications seront demandées, et, après examen, le Gouvernement auprès duquel l'extradition est réclamée statuera sur la suite à donner à la demande.

IV. Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun crime ou délit non prévu par la présente Convention.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne d'un Chef d'État étranger lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

L'individu extradé pourra toutefois être poursuivi et puni con-

tradictoirement dans les cas suivants pour une infraction autre que celle qui a motivé l'extradition :—

1. S'il a demandé à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au Gouvernement qui l'a livré.

2. S'il n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel il a été livré.

3. Si l'infraction est comprise dans la Convention et si le Gouvernement auquel il a été livré a obtenu préalablement l'adhésion du Gouvernement qui a accordé l'extradition.

Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'Article VI de la présente Convention.

La réextradition à un pays tiers est soumise aux mêmes règles.

V. L'extradition ne pourra avoir lieu quand, d'après la loi du pays où se trouve l'inculpé, la peine ou l'action criminelle serait prescrite.

VI. L'extradition ne sera accordée que sur la production soit d'une sentence de condamnation, soit d'un acte de procédure décrétant formellement ou opérant de plein droit le renvoi de l'inculpé devant la juridiction répressive, soit enfin d'un mandat d'arrêt ou de tout autre acte ayant la même force. Ces actes indiqueront la nature précise des faits incriminés et la disposition pénale qui leur est applicable. Ils seront produits en original ou en expédition authentique et accompagnés, autant que possible, d'une traduction dans la langue du pays requis et du signalement de l'individu réclamé.

VII. Les demandes d'extradition seront toujours adressées par la voie diplomatique ou consulaire.

VIII. Dans les cas urgents, l'arrestation provisoire de l'inculpé sera effectuée sur l'avis donné par la poste ou le télégraphe de l'existence d'un mandat d'arrêt, pourvu que cet avis soit transmis par la voie diplomatique ou consulaire.

Cette arrestation sera facultative lorsque l'avis ci-dessus, émanant d'une autorité judiciaire ou administrative de l'un des deux pays, sera adressé directement à une autorité judiciaire ou administrative de l'autre pays.

IX. Dans l'un et l'autre cas, l'étranger arrêté provisoirement sera mis en liberté si, dans le délai de trois mois, à compter du jour de son arrestation, il ne reçoit notification de l'un des documents mentionnés dans l'Article VI, transmis par la voie diplomatique ou consulaire.

X. Si l'individu réclamé se trouve poursuivi ou condamné dans l'État requis, son extradition pourra être différée jusqu'à l'abandon des poursuites et, en cas de condamnation, jusqu'à l'expiration de la peine.

Dans le cas où il serait poursuivi ou détenu dans le même pays à raison d'obligations qu'il aurait contractées envers des particuliers, son extradition aura lieu néanmoins, sous réserve pour ceux-ci de faire valoir ensuite leurs droits devant l'autorité compétente.

XI. Les objets saisis pouvant servir de pièces à conviction, ainsi que tous objets pouvant provenir du crime ou du délit à raison desquels l'extradition est réclamée, seront, suivant l'appréciation de l'autorité compétente, remis au Gouvernement de la Partie requérante, lors même que l'extradition ne pourrait s'effectuer par suite de la morte ou de la disparition ultérieure de l'individu réclamé.

Cette remise comprendra également tous les objets que l'inculpé aurait cachés ou déposés dans le pays et qui seraient découverts par la suite.

Sont réservés toutefois les droits que des tiers non impliqués dans la poursuite auraient acquis sur les objets désignés dans le présent Article.

XII. Les frais d'arrestation, d'entretien, et de transport de l'individu dont l'extradition aura été accordée, ainsi que ceux de consignation et de transport des objets qui, aux termes de l'Article précédent, doivent être restitués ou remis, restent à la charge des deux États dans la limite de leurs territoires respectifs.

L'individu à extraditer sera conduit au port de l'État requis que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

XIII. Quand, au cours d'une affaire pénale non politique, l'audition de personnes se trouvant dans l'un des deux pays ou tout autre acte d'instruction seront jugés nécessaires, une Commission Rogatoire sera adressée à cet effet par la voie diplomatique ou consulaire, et il y sera donné suite en observant les lois du pays requis.

Les deux Gouvernements renoncent au remboursement des frais résultant de l'exécution des Commissions Rogatoires, chaque fois qu'il ne s'agira pas d'expertises pouvant entraîner plusieurs vacations.

XIV. Les deux Gouvernements s'engagent à se communiquer réciproquement, sans restitution de frais, les condamnations pour crimes et délits de toute espèce qui auront été prononcées par les tribunaux de l'un des deux États contre les sujets de l'autre. Cette communication sera effectuée moyennant l'envoi, par voie diplomatique ou consulaire, d'un bulletin ou extrait, au Gouvernement du pays auquel appartient le condamné.

Chacun des deux Gouvernements donnera à ce sujet les instructions nécessaires aux autorités respectives.

XV. Les stipulations de la présente Convention seront applicables

dans toutes les possessions étrangères ou coloniales que viendraient à posséder les Hautes Parties Contractantes.

La demande d'extradition sera adressée, dans ce cas, au Gouverneur ou fonctionnaire principal de la Colonie par le principal Agent Diplomatique ou Consulaire du pays requérant.

Le présent Traité entrera en vigueur dix jours après sa publication, conformément aux lois respectives des deux États. Chacune des Parties Contractantes pourra, en tout temps, le dénoncer en prévenant l'autre Partie de son intention une année à l'avance.

Les ratifications en seront échangées à Bruxelles le plus tôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, le 25 Avril, 1902.

(L.S.) P. DE FAVEREAU.

(L.S.) MANUEL M. DE PERALTA.

TREATY of Peace, Friendship, and Commerce between Bolivia and Chile.—Signed at Santiago, October 20, 1904.

[Ratifications exchanged at La Paz, March 10, 1905.]

(Translation.)

IN order to carry into effect the purpose indicated in Article VIII of the Truce Convention of the 4th April, 1884,* the Republic of Bolivia and the Republic of Chile have agreed to conclude a Treaty of Peace and Friendship, and have for that purpose named and constituted as their Plenipotentiaries, that is to say:

His Excellency the President of the Republic of Bolivia, Don Alberto Gutierrez, Envoy Extraordinary and Minister Plenipotentiary of Bolivia to Chile; and

His Excellency the President of Chile, Don Emilio Bello Codesido, Minister for Foreign Affairs;

Who, after having exchanged their full powers, and having found them in good and due form, have agreed upon the following:—

ART. I. The relations of peace and friendship are restored between the Republic of Bolivia and the Republic of Chile, and in consequence the régime established by the Truce Convention has ceased to exist.

II. By the present Treaty is recognized the absolute and perpetual sovereignty of Chile over the territories occupied by her in virtue of Article II of the Truce Convention of the 4th April, 1884.

The boundary from south to north between Bolivia and Chile shall be as follows:—

From the highest crest of the Zapaleri Hill (1) in a straight line to the highest crest (2) of the detached ridge towards the south of the Guayaques Hill, in the latitude of $22^{\circ} 54'$ approximately, and from here in another straight line to the Cajon Pass (3), and thence along the watershed of the ridge which extends towards the north along the crests of the Juriques Hill (4), the volcano of Licancábur (5), the hills of Sairecabur (6) and of Curiquinca (7), and the volcano of Putana or Jorjenca (8). From this point it will continue along one of its spurs towards the Pajonal Hill (9), and in a straight line to the southern crest of the Tocorpuri Hills (10), from which it will again follow the watershed of the Panizo Ridge (11) and the Tatio Range (12). It will further extend towards the north along the watershed of the Linzor Ridge (13), and of the Silaguala Hills (14), from the northern crest of which "volcan apagado" (extinct volcano) (15) it will extend along a spur to the Silala Hillock (16), and thence in a straight line to the Inacaliri or del Cajon Hill (17).

From this point it will proceed in a straight line to the crest that stands in the centre of the group of the Inca or Barrancane Hills (18), and again following the watershed it will proceed north along the ridge of the Ascotan or Del Jardin Hill (19). From the crest of this hill it will extend in a straight line to the crest of the Araral Hill (20), and by another straight line to the crest of the volcano of Ollagüe (21).

From here in a straight line to the highest crest of the Chipapa Hill (22), descending towards the west along a range of hillocks so as to reach the crest of the Cosca Hill (23).

From this point it will divide the waters of the ridge which unites it to the Alconcha Hill (24), and from here to the volcano of Olca (25) along the dividing ridge. From this volcano it will continue along the ridge of the hills of Millunu (26) and of Laguna (27), the volcano of Irruputuncu (28), the hills of Bofedal (29) and of Chela (30), and then from a high group of hills it will extend to Milliri (31) and then to Huallecani (32).

Thence it will continue to the Caiti Hill (33), and will follow the watershed to the Napa Hill (34).

From the crest of this hill it will follow in a straight line to a point (35) situated 10 kilom. to the south of the eastern crest of the Huailla Hill (36), whence it will continue in a straight line to the said crest, and from there turning to the east it will follow along the range of hills of the Laguna (37), Corregidor (38), and Huaillaputuncu (39) to the most easterly stone heap of Sililica (40), following the ridge which extends in a north-westerly direction to the crest of the Piga Hill (41). From this hill it will follow in a

straight line to the highest crest of Tres Cerritos (42), and then in a straight line to the Challacollo Hill (43) and to the narrow part of the Valley of Sacaya (44), opposite Vilacollo. From Sacaya the boundary will go in a straight line to the stone-heaps of Cueva Colorada (45) and to Santaile (46), whence it will follow to the north-west along the hills of Irruputuncu (47) and of Patalani (48). From this crest it will follow in a straight line to the Chiarcollo Hillock (49), crossing the River Cancosa (50), and thence also in a straight line to the Pintapintani Hill (51), after which it will continue along the crest of the hills of Quiuri (52), Pumiri (53), and Panantalla (54).

From the crest of Panantalla it will continue in a straight line to Tolapacheta (55), half-way between Chapi and Rinconada, and from this point in a straight line to the pass of Huaila (56); thence it will extend along the crest of the hills of Lacataya (57) and of Salitral (58). It will deflect towards the north, extending in a straight line to the Tapacollo Hillock (59), the salt bed of Coipasa, and in another straight line to the boundary-mark at Quellaga (60), from which it will continue in straight lines to the Prieto Hillock (61), to the north of the Valley of Pisica, to the Toldo Hillock (62), to the boundary-marks at Sicaya (63), Chapillicsa (64), Cabarray (65), Trescruces (66), Jamachuma (67), Quimsachata (68), and Chin-chillani (69), and crossing the River Todos Santos (70) it will go to the boundary-marks of Payacollo (71) and Carahuano (72) to the Canasa Hill (73) and the Capitan Hill (74). It will then continue towards the north along the watershed of the chain of hills of Lliscaya (75) and of Quilhuiri (76), and from the crest of this point it will go in a straight line to the Puquintica Hill (77).

To the north of the last point Bolivia and Chile agree to fix the following boundary-line:—

From the Puquintica Hill (77) the boundary will continue to the north along the ridge that extends to Macaya, crossing the River Lauca at this point (78), then following in a straight line to the Chiliri Hill (79) it will extend to the north along the watershed of the Japu Pass (80) and crests of Quimsachata (81), Tambo Quemado Pass (82), Quisiquisini Hills (83), Huacollo Pass (84), the crests of the Payachata Hills (85 and 86), Larancagua Hill (87), as far as the Casiri Pass (88). From this point it will extend to the Condoriri Hills (89), which divide the waters of the Rivers Sajama and Achuta from those of the Caquena, and it will extend along the ridge which, originating in these hills, goes to the Carbiri Hill (90), passing through the Achuta Pass (91). From the Carbiri Hill it will descend along its slope to the narrows of the River Caquena or Cosapilla (92), above the post-house which also bears the last name. It will then follow the course of the River Caquena or Cosapilla as

far as the confluence (93) of the visible drainage of the open plains pertaining to the Cosapilla Farm, from which confluence it will go in a straight line to the boundary-mark of Visviri (94). From this boundary-mark it will follow in a straight line to the Santuario (95), which is to be found to the north of the Maure, to the north-west of the confluence of this river with another which flows from the north 2 kilom. to the north-west of the Maure post-house. It will continue in a north-westerly direction along the ridge which leads to the boundary-mark of the Chipeco or Tolacollo Hill (96), the last point of the frontier.

Within six months from the ratification of this Treaty the High Contracting Parties shall appoint a Commission of Engineers to mark out on the spot the boundary-line, the points of which are enumerated in this Article and indicated in the annexed plan, which shall form an integral part of the present Treaty, and in accordance with the mode of proceeding and at the time which may be agreed upon by special agreement between the two Governments.

Should any dispute arise between the engineers intrusted with the demarcation, which cannot be settled by the direct action of both Governments, the question shall be submitted to the decision of His Majesty the German Emperor according to Article XII of this Treaty.

The private rights legally acquired by nationals or foreigners in the territories which remain, under this Treaty, under the sovereignty of the one or the other country shall be recognized by the High Contracting Parties.

III. With the object of strengthening the political and commercial relations of both Republics, the High Contracting Parties engage to unite the port of Arica with the Alto de la Paz by a railway the construction of which will be contracted by the Chilean Government at its own cost within the term of one year to be reckoned from the ratification of the present Treaty.

The property of the Bolivian section of this railway shall be vested in Bolivia at the expiration of fifteen years to be reckoned from the day of its completion.

For the same purpose Chile engages to pay the obligations that might be incurred by Bolivia for guaranteeing up to 5 per cent. on the capital invested in the following railways, the construction of which may be undertaken within a term of thirty years: Uyuni to Potosi; Oruro to La Paz; Oruro, via Cochabamba, to Santa Cruz; from La Paz to the Beni region; and from Potosi, via Sucre and Lagunillas to Santa Cruz.

This obligation cannot bind Chile to an outlay larger than 100,000% annually, nor exceed the sum of 1,700,000%, which is fixed as the maximum amount that Chile shall assign to the construction

of the Bolivian section of the railway from Arica to the Alto de la Paz, and to the guarantees above referred to, and shall be null and void at the end of the said thirty years.

The construction of the Bolivian section of the railway from Arica to the Alto de la Paz, as well as that of the other railways that may be constructed with the guarantee of the Chilean Government, shall be made the subject of special Agreements between the two Governments, and therein shall be taken into consideration the facilities that should be given to the commercial intercourse between the two countries.*

The cost of the said section shall be regulated by the amount of the tender which may be accepted in the respective contract for construction.

IV. The Chilean Government engages to deliver to the Bolivian Government the sum of 300,000*l.* in cash in two instalments of 150,000*l.* each, the first of which shall be paid six months after the exchange of the ratifications of the present Treaty, and the second one year after the payment of the first.

V. The Republic of Chile assigns to the final settlement of the claims recognized by Bolivia as indemnities in favour of the Huanchaca, Oruro, and Corocoro Mining Companies, and for paying the balance of the loan raised in Chile in the year 1867, the sum of 4,500,000 gold pesos of 1*s.* 6*d.*, payable at the option of her Government in cash or in bonds of the external debt valued at the price they may have in London the day on which payment shall be made, and the sum of 2,000,000 gold pesos of 1*s.* 6*d.*, payable in the same manner as the former, for the settlement of the claims arising out of the following obligations of Bolivia: the bonds issued, that is to say, the loan raised, for the construction of the railway between Mejillones and Caracoles under the contract of the 10th July, 1872; the debt recognized in favour of Don Pedro Lopez Gana, represented by Messrs. Alsop and Co., who succeeded to the rights of the former; the claims recognized in favour of Mr. John G. Meiggs, represented by Mr. Edward Squire, arising out of the contract entered into on the 20th March, 1876, for the renting of the nitrate fields in Toco; and finally, the amount recognized in favour of Don Juan Garday.

VI. The Republic of Chile recognizes in favour of that of Bolivia, and in perpetuity, the fullest and most unrestricted right of commercial transit through her territory and ports on the Pacific.

Both Governments will make, by special Agreements, the necessary regulations to insure, without prejudice to their respective fiscal interests, the purpose above referred to.

* See also Protocol, page 769.

VII. The Republic of Bolivia shall have the right to establish Custom-house Agencies at such ports that she may select for carrying on her trade. For the present she selects as such ports for her trade, Antofagasta and Arica.

The Agencies shall take care that the goods intended for transit are sent direct from the pier to the railway-station, and that they are conveyed to the Bolivian custom-houses in closed and sealed waggons, and accompanied by way-bills indicating the number of packages, weight and mark, number and contents, which shall be delivered against exchange way-bills.

VIII.* Until the High Contracting Parties shall have concluded a special Commercial Treaty, the commercial intercourse between the two Republics shall be regulated by rules of the strictest equality with those applied to other nations, and under no consideration shall the products of either of the two Parties be placed in conditions of inferiority to those of a third. In consequence, the raw and manufactured products of Bolivia, as well as those of Chile, shall be subject, on being imported and consumed in one or the other country, to the payment of the same dues as those levied on those of other countries, and any favours, exemptions, and privileges that either of the two Parties may grant to a third may, the conditions being the same, be claimed by the other.

The High Contracting Parties mutually agree to apply to the national products of one or the other country carried over all the railways crossing their respective territories the same tariff that they may resolve to apply to the most favoured nation.

IX. The raw and manufactured products of Chile, as well as nationalized merchandize in transit to Bolivia, shall, in dispatching them, be accompanied by the Consular invoice and way-bills mentioned in Article VII. Cattle of all kinds and national products of little value may be imported without any formality, and dispatched on a simple written declaration in the custom-house.

X. The raw and manufactured products of Bolivia in transit for abroad shall be exported, accompanied by way-bills issued by the custom-houses of Bolivia or by the officials commissioned for the purpose. The said way-bills shall be delivered to the Custom-house Agents at the respective ports, and without any further formality these products shall be shipped to the foreign markets.

The import trade through the port of Arica shall be carried on with the same formalities as that through Antofagasta, it being necessary at this port to issue way-bills containing the same particulars as those indicated in the preceding Articles.

XI. As Bolivia is unable to adopt this system immediately, she

* See also Protocol of September 10, 1905, page 771.

will continue to observe for the term of one year the one at present in force at Antofagasta, which shall also be applied to the port of Arica, a reasonable term being fixed for putting in force the Tariff of Bolivia, until it be possible to regulate the transit trade in the manner beforementioned.

XII. Any difficulties that may arise with regard to the interpretation or execution of the present Treaty shall be submitted to the arbitration of His Majesty the German Emperor.

The ratifications of this Treaty shall be exchanged within the term of six months, and the exchange shall take place in the city of La Paz.

In witness whereof the Envoy Extraordinary and Minister Plenipotentiary of Bolivia and the Minister for Foreign Affairs of Chile signed and sealed in duplicate with their respective seals the present Treaty of Peace and Friendship, in the city of Santiago, on the 20th October, 1904.

(L.S.) A. GUTIERREZ.

(L.S.) EMILIO BELLO C.

PROTOCOL.

At Santiago, on the 20th day of the month of October, 1904, Señor Don Alberto Gutierrez, Envoy Extraordinary and Minister Plenipotentiary of Bolivia, and Señor Don Emilio Bello Codesido, Minister for the Department, duly authorized by their respective Governments, having met in the Department of Foreign Affairs, and taking into consideration that the Governments of Bolivia and Chile, in agreeing upon the stipulations laid down in the Treaty of Peace and Friendship concluded and signed on the same date, engaged to substitute the customs privileges solicited by Chile in favour of the Chilean natural products and manufactures thereof for other facilities which do not clash with the object of Bolivia, which is to preserve her absolute commercial liberty, and as there exists an Agreement between the two Governments to lay down in a special instrument the interpretation and scope of the 5th clause of Article III of the said Treaty, in which reference is made to the facilities which, under the Railway Conventions, shall be given to the commercial intercourse between the two countries, agreed upon the following:—

The natural and manufactured products of Chile imported into Bolivia shall enjoy on the railways constructed on Bolivian territory with the guarantee of the Chilean Government a rebate of not less than 10 per cent. on the freight charges on the said railways.

Bolivia shall take the necessary steps in order that the same or a similar advantage may be accorded to the Chilean products on the Bolivian section of the railway from Antofagasta to Oruro.

In consequence, both in the special Conventions to be concluded between the Governments of Bolivia and Chile for the construction of railways in conformity with the stipulations laid down in Article III of the Treaty of Peace and Friendship, and in the contracts relative to the construction and working of the several lines therein referred to, the obligation of allowing the said rebate to Chilean products shall be laid down.

In witness whereof the Envoy Extraordinary and Minister Plenipotentiary of Bolivia and the Minister for Foreign Affairs of Chile sign the present Protocol in duplicate, and affix thereto their respective seals.

(L.S.) A. GUTIERREZ.

(L.S.) EMILIO BELLO C.

AGREEMENT between the Argentine and Paraguayan Governments for the Appointment of a Commission for determining the Arm or Channel of the River Pilcomayo which constitutes the Boundary.—Signed at Buenos Ayres, September 11, 1905.

(Translation.)

HIS Excellency Dr. Carlos Rodriguez Larreta, Minister for Foreign Affairs and Worship of the Argentine Republic, and his Excellency Dr. José Z. Caminos, Envoy Extraordinary and Minister Plenipotentiary of Paraguay, having met together in the Ministry for Foreign Affairs and Worship in the city of Buenos Ayres on the 11th day of the month of September, 1905, with the object of deciding which may be the arm or principal channel of the River Pilcomayo, which, according to the Treaty of the 3rd February, 1876,* entered into by both countries, and to the Arbitral Award of Mr. Rutherford B. Hayes, President of the United States of America, given on the 12th November, 1878,† is the boundary-line of the two countries in the part situated in the territories of the Chaco, have agreed to the following:—

ART. I. The Government of the Argentine Republic on the one part and the Government of the Republic of Paraguay on the other, agree to appoint a Joint Commission, composed of two experts appointed by the former and two appointed by the latter, charged with the duty of making the necessary studies on the River Pilcomayo, in order to ascertain which is the arm or principal channel of the said river, according to the Treaty and Arbitral Award which have been before referred to.

* Vol. LXVIII, page 97.

† Vol. LXIX, page 600.

II. The studies and survey of the river having come to an end, the result of which the Commission shall set forth in a log book, ("diario de navegacion"), which it shall keep in duplicate, the Commissioners shall present them, together with a report of their labours and a chart of the said river, to their respective Governments.

III. The Argentine and Paraguayan Governments shall, by means of their Representatives, examine the matter in the city of Buenos Ayres, taking into consideration this chart and the documents mentioned in the foregoing Article, in order to define the arm of the River Pilcomayo which must be considered as the principal channel in accordance with the Treaty of 1876 and the Arbitral Award before mentioned.

IV. Each of the Contracting Governments shall pay the expenses of their Delegates, and the half of the joint expenses incurred by the Commission in the execution of the duties set forth in Article II.

In witness whereof the Plenipotentiaries of either Republic, duly authorized thereto, sign and seal the present Agreement in duplicate in the city and on the date *ut supra*.

(L.S.) C. RODRIGUEZ LARRETA.

(L.S.) JOSÉ Z. CAMINOS.

Ministry for Foreign Affairs and Worship,

Buenos Ayres, September 11, 1905.

PROTOCOL between Bolivia and Chile explanatory of Article VIII of the Treaty of the 20th October, 1904, as to Exemption of Chilean Goods from Duties.—Signed at La Paz, September 10, 1905.*

(Translation.)

At La Paz, on the 10th September, 1905, there being met in the Ministry for Foreign Affairs, Señor don Beltran Mathieu, Envoy Extraordinary and Minister Plenipotentiary of Chile, and Don Claudio Pinilla, Minister of the Department, having in view the divergent interpretation given to Article VIII of the Treaty of the 20th October, 1904, by the custom-house officials of the two countries, which renders it necessary that an Agreement should be arrived at in order to obviate the inconvenience caused thereby to trade, and being duly authorized by their respective Governments, have agreed as follows:—

In accordance with the terms of the Treaty of the 20th October, 1904, until the Government of Bolivia gives effect to its intention

to abolish the exemption from duty which Peruvian goods at present enjoy, the natural products and manufactures of Chile imported into Bolivia, and *vice versâ*, shall enjoy a like exemption.

In testimony whereof the Undersigned sign the present Protocol in duplicate, and seal it with their respective seals.

(L.S.) B. MATHIEU.

(L.S.) CLAUDIO PINILLA.

EXCHANGE OF NOTES between the Italian and Montenegrin Governments to establish a Provisional Commercial Agreement.—Cettigné, December $\frac{2}{2}$, 1903.

[Confirmed by Law, June 26, 1904, No. 328.]

No. 1.—Le Ministre Royal à Cettigné au Ministre des Affaires Étrangères du Monténégro.

M. LE MINISTRE,

Cettigné, ce 21 Décembre, 1903.

J'AI eu soin de communiquer à son Excellence le Ministre Royal des Affaires Étrangères les nouveaux Tarifs douaniers qui étaient annexés à la note de votre Excellence du ^{27 Novembre}_{10 Décembre} dernier, ainsi que la proposition qui m'avait été faite verbalement par son Excellence le Ministre Princier des Finances, en vue d'obtenir de la part de l'Italie le maintien du *status quo* pour l'entrée des produits Monténégrins dans le Royaume, en échange de l'application du nouveau Tarif minimum à l'entrée des produits Italiens dans la principauté. Le Gouvernement du Roi, tout en constatant que le temps manque absolument pour un examen des dits Tarifs, fait remarquer qu'un simple coup d'œil jeté sur eux suffit pour démontrer que le Tarif minimum constitue déjà une aggravation considérable du régime en vigueur jusqu'ici. Il en résulte que, par l'adoption de la proposition précitée, les conditions de l'importation Italienne au Monténégro seraient empirées, tandis que les conditions de l'importation Monténégrine en Italie ne subiraient aucune variation. Cependant, le Gouvernement du Roi, voulant faire acte d'amitié envers le Gouvernement Princier, et dans l'espoir qu'on pourra procéder, dans l'intervalle, à la conclusion d'un nouveau Traité de Commerce équitable et avantageux pour les deux pays, est disposé à stipuler un Accord provisoire de la durée de six mois—à savoir, jusqu'au 30 Juin, 1904*—sur les bases suivantes :—

* Duration prolonged by Exchange of Notes of June $\frac{1}{11}$, 1904, page 773.

Maintien du régime conventionnel Italien actuel en faveur du Monténégro ;

Application du nouveau Tarif minimum Monténégrien, avec clause du traitement de la nation la plus favorisée, en faveur de l'Italie.

Je serais très obligé à votre Excellence de vouloir bien me donner acte de cette communication, et me faire savoir si le Gouvernement princier consent dans la proposition dont il s'agit.

Veuillez agréer, &c.

R. BOLLATI.

No. 2.—Le Ministre des Affaires Étrangères du Monténégro au Ministre Royal à Cettigné.

M. LE MINISTRE,

Cettigné, le $\frac{9}{12}$ Décembre, 1903.

EN réponse à votre note en date du 21 Décembre, 1903, j'ai l'honneur de vous informer que le Gouvernement Princier accepte la proposition formulée dans la précitée note, se rapportant aux relations commerciales des deux pays, à savoir : pendant un délai de six mois, et pour avoir le temps matériel nécessaire à la conclusion d'un nouveau Traité de Commerce entre l'Italie et le Monténégro, l'Italie appliquera le régime conventionnel Italien actuel en faveur du Monténégro, et le Monténégro appliquera aux produits d'origine Italienne son nouveau Tarif minimum Monténégrien, avec clause du traitement de la nation la plus favorisée, en faveur de l'Italie.

Je vous prie, M. le Ministre, de vouloir me transmettre le plus tôt possible les Tarifs Italiens, sur la base desquels nous aurions à conclure le nouveau Traité de Commerce.

Veuillez agréer, &c.

V. G. VOUCOVITCH.

EXCHANGE OF NOTES prolonging the Duration of the Provisional Commercial Agreement between Italy and Montenegro.—Cettigné, June $\frac{10}{11}$, 1904.

[Put into operation by Royal Decree, Rome, June 30, 1904, No. 283 ; confirmed by Law of July 29, 1906, No. 474.]

No. 1.—Le Ministre d'Italie à Cettigné au Ministre pour les Affaires Étrangères du Monténégro.

M. LE MINISTRE,

Cettigné, le $\frac{28 \text{ Mai}}{10 \text{ Juin}}$, 1904.

EN me référant à nos récents pourparlers, j'ai l'honneur de faire connaître à votre Excellence que je suis chargé officiellement par

mon Gouvernement de proposer au Gouvernement Princier une prolongation de six mois, c'est-à-dire, jusqu'au $\frac{9}{2}$ Décembre de l'année courante (1904), de l'Accord provisoire de Commerce actuellement en vigueur entre les deux pays,* à savoir :

Pendant un délai de six mois et pour avoir le temps matériel nécessaire à la conclusion d'un nouveau Traité de Commerce entre l'Italie et le Monténégro, l'Italie appliquera le régime conventionnel Italien actuel en faveur du Monténégro, et le Monténégro appliquera aux produits d'origine Italienne son nouveau Tarif minimum Monténégrin, avec clause du traitement de la nation la plus favorisée, en faveur de l'Italie.

Cette prolongation est faite avec la clause du renouvellement tacite de six en six mois, sauf dénonciation de la part d'une des Hautes Parties Contractantes, un mois avant l'échéance.

Je serais reconnaissant à votre Excellence de vouloir bien me donner acte de cette communication et me faire savoir si le Gouvernement Princier adhère à cette proposition.

Veuillez agréer, &c.

CUSANI.

No. 2.—*Le Ministre pour les Affaires Étrangères du Monténégro au Ministre d'Italie à Cattigné.*

M. LE MINISTRE,

Cettigné, le $\frac{29 \text{ Mai}}{11 \text{ Juin}}$, 1904.

EN me référant à l'entretien que nous avons eu dernièrement, et en réponse à la note que vous avez bien voulu m'adresser en date du 10 Juin, 1904, j'ai l'honneur de vous informer que le Gouvernement Princier, tout désireux de garder et cultiver les meilleures et les plus amicales relations qui l'unissent au Gouvernement Royal, adhère volontiers à la prolongation pour six mois, c'est-à-dire, jusqu'au $\frac{9}{2}$ Décembre de l'année courante (1904), de l'Accord provisoire de Commerce actuellement en vigueur entre les deux pays. Il adhère à cette prolongation avec la clause du renouvellement tacite de six en six mois, tant que l'une ou l'autre des Parties adhérentes ne l'aura dénoncée. La dénonciation devra avoir lieu un mois avant l'échéance.

Veuillez agréer, &c.

V. G. VOUCOVITCH.

* See Exchange of Notes, December $\frac{9}{2}$, 1903, page 772.

*ADHÉSION de la Suède à l'Union Internationale pour la
Publication des Tarifs Douaniers.—Le 25 Avril, 1904.*

PAR note du 25 Avril, 1904, et en exécution de l'Article XIV de la Convention conclue à Bruxelles le 5 Juillet, 1890,* la Légation de Belgique à Berne a informé le Conseil Fédéral que la Suède avait accédé à l'Union Internationale pour la publication des Tarifs douaniers.

Berne, le 20 Mai, 1904.

Chancellerie Fédérale.

*LAW respecting the Solemnization of Marriages before Swedish
Diplomatic or Consular Officers abroad.—Stockholm, July 8,
1904.*

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, of the Goths and the Vandals, King, do hereby make known that we, with our Riksdag, have found good to ordain as follows:—

§ 1. The King can empower any Swedish Diplomatic or Consular officer in a foreign State to solemnize marriages between Swedish subjects or a Swedish subject and a foreigner in accordance with the provisions of this Law.

§ 2. A Diplomatic or Consular officer who has been empowered, as laid down in § 1, shall, when called upon to perform a marriage, ascertain whether the parties are free to intermarry.

If the King has so ordained it, a marriage cannot be solemnized in opposition to the impediments provided for in the law of the country where the (marriage) officer is residing, and such Ordinance shall apply.

§ 3. In the event of there being no apparent impediment to the marriage, a notice shall be posted at the Legation or Consulate giving the full names of both parties, their ages, occupations, and domiciles, and declaring that any person desirous of opposing the marriage shall, before a certain date, state and substantiate to the issuer of the notice his reasons for objecting to the solemnization of the marriage. The notice shall also, where possible, be inserted, at the expense of the applicants, in a local newspaper, and, in the case where one of the parties is, or has been, within a year of the application for the performance of the marriage ceremony, domiciled

in another locality, in a newspaper of that locality. The marriage shall not be solemnized before the time fixed for the raising of an objection has elapsed.

If a publication of banns has already taken place in due form in this country, such a notice as that described above shall not be required.

§ 4. The marriage dealt with in this Law shall be solemnized in the presence of relatives and witnesses. The marriage officer shall ask the parties concerned if they consent of their own free will, and shall thereafter declare them man and wife.

The celebration of a marriage shall be recorded and testified to by witnesses.

All whomsoever this may concern shall duly carry out the same. To further enforce this we have signed it with our hand, and have had it confirmed with our Royal seal.

Castle of Stockholm, July 8, 1904.

(L.S.) OSCAR.

OSSIAN BERGER, *Department of Justice.*

SWEDISH LAW respecting certain International Legal Rights and Obligations ("Rättsförhållanden") in relation to Marriage and the Guardianship of Minors.—Stockholm, July 8, 1904.

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, of the Goths and the Vandals, King, do hereby make known that we, with our Riksdag, have found good to ordain as follows:—

CHAPTER I.—*Of Entering into Marriage.*

§ 1. A Swedish subject may not enter into marriage in a foreign country unless he has the right, according to Swedish law, to contract such marriage.

§ 2.* If the subject of a foreign State wishes to contract a marriage before Swedish authorities, his right to enter into marriage shall be determined in accordance with the law of the State to which he belongs. If that law allows of the law of another place applying in the case in question such law may be followed.

§ 3.* In no case, however, can a foreign subject who is already married enter into matrimony before Swedish authorities, nor can those be allowed to intermarry who are related (to one another) in the manner mentioned in § 1 and § 2 of Chapter II of the Marriage

* See Ordinance of July 8, 1904, page 782.

Law, or who are connected by marriage in the manner mentioned in § 4 of the same Chapter.

The formalities to be observed by the subject of a foreign State (who wishes to be married before Swedish authorities) in order to prove that there is no obstacle to the marriage will be laid down by the King.*

§ 4. The stipulations in the Swedish law as to the publication of banns of marriage, as well as the other formalities required for the celebration of a marriage, shall be observed in the case of a subject of a foreign State wishing to marry in this country before Swedish authorities.

If the law of a foreign State enacts that there shall be a publication of banns in the case of a subject of that State wishing to marry outside his own country, the marriage before Swedish authorities must not take place until it has been shown that such publication has been made, or that a proper authority in that foreign State has granted exemption from such publication.

Neglect of such publication shall not, however, affect the validity of the marriage, even though such a consequence would result by the law of the said foreign State.

§ 5. If a foreign State has, with the sanction of the King, empowered its officers in the Diplomatic or Consular Services in this country to perform marriages, a marriage entered into by the subjects of the foreign State according to the law of their country before such an officer shall be held to have been solemnized in due form.

§ 6. A marriage solemnized abroad in the form prescribed by the *lex loci* shall, whether Swedish or foreign subjects are concerned, be held in this country to have been solemnized in due form.

§ 7. A marriage solemnized abroad by a Diplomatic or Consular officer of a foreign State in accordance with the law of such State shall be valid in this country, provided neither of the (contracting) parties were subjects of the State in the territory of which the marriage took place, and provided that the State had not precluded such officer from solemnizing marriages.

§ 8. If a marriage be concluded between Swedish subjects abroad before a clergyman of the Swedish Church in accordance with the regulations of Swedish law, that marriage shall be binding here.

§ 9. If subjects of foreign States have been married abroad without the provisions of § 6 and § 7 having been complied with, the marriage shall not be considered valid here unless it is held to have been solemnized in their own country, or, if they were subjects of different States, in their respective countries.

* See Ordinance of July 8, 1904, page 784.

CHAPTER II.—*Of Dissolution of Marriage.*

§ 1.* When the dissolution of a marriage solemnized in due form between the subjects of a foreign State shall be sued for, and a cause for dissolution exists according to the law of the State of which the parties were subjects at the time of their marriage, or, in cases where the parties were subjects of different States, according to the law of either State, and when, moreover, the King shall have ordained that such a law may in such cases apply, notwithstanding that a cause for dissolution according to Swedish law does not exist, the marriage shall be dissolved. If one of the parties, according to the law of his or her country, is entitled to plead the law of another place in support of his or her competency to marry, that law shall apply with regard to the party concerned, provided the marriage is valid according to the said law.

If no such above-mentioned Ordinance has been issued by the King, the marriage shall not be dissolved unless causes for dissolution exist also according to Swedish law.

§ 2. In no case shall a marriage be declared invalid in this country on the plea that it has been entered into in opposition to the provisions of a foreign law enacting that a previous marriage shall, though dissolved by divorce, constitute a hindrance for a new marriage, or in opposition to a prohibition of marriage between those who are of different religions or in opposition to a prohibition of marriage based on being in holy orders or on a promise to remain unmarried.

CHAPTER III.—*Of Divorce.*

§ 1. Proceedings for a divorce between foreigners may be instituted in this country if the party against whom the action is brought is domiciled here. The same law shall apply when the parties have been simultaneously domiciled in this country, but not if the party against whom the action is brought has deserted the other party, or has emigrated after the cause for divorce had arisen.

When, by the law of the State of which the parties are subjects, it is reserved for the home authorities, generally or in special cases, to hear suits for divorce between the subjects of the State, such suit shall not, in opposition to such reservation, be taken into consideration here, except in the case of a divorce of a marriage which, in the country of the parties concerned, is considered not to have been solemnized in due form.

§ 2. In no case shall it be permissible to petition the King for

* See Ordinance of July 8, 1904, page 783.

a divorce between foreigners unless such divorce, and granted in such a manner, would be recognized in the country of the parties concerned.

§ 3. Divorce of a marriage between foreigners shall not be granted unless, according to the law of the State of which the parties are subjects, marriages may be dissolved by divorce, and, moreover, unless a cause for divorce exists, not only according to the said law, but also according to Swedish law.

In cases where the parties have previously been subjects of another State, incidents which have taken place during that time cannot be pleaded for the obtaining of a divorce unless divorce is also obtainable on account of such incidents by the law of the said State.

§ 4. Parties who, being foreigners, are domiciled in this country may, though divorce be not obtainable here, be separated in accordance with the provisions laid down in Chapter XIV of the Marriage Law ("Giftermålsbalken").

When divorce or permanent separation is sued for in the State of which the parties are subjects, separation for a year may be granted here without notice being given. Such a decree shall, however, cease to be valid if the suit in the country of the parties concerned is discontinued or dismissed.

As to property and the maintenance of the children during the time of the separation of the parties, the provisions of Chapter XV of the Marriage Law shall, under a decree of a Swedish Court, be observed.

§ 5. When a divorce or a permanent separation between foreigners is granted by the authorities of their own State, such a decree shall be valid in this country.

§ 6. If the authorities in a foreign State have granted a divorce or permanent separation between the subjects of another State, such decree may, with observance, however, of the enactments of § 8, be valid in this country on the condition—

(a.) That, with a corresponding application of the enactments of § 1, relative to the competency of the Swedish authorities to hear suits for the divorce of foreigners, the authorities of the foreign State (where the decree was given) are found to have been competent to hear the case; and

(b.) That cause for such a divorce or separation, as has been granted by the decree, existed according to the law of the State of which the parties were subjects.

In the event of the decree having been given by any other authority than that of a Court of Justice, it shall not, when the parties are foreigners, be valid here if for similar reasons it should not be recognized in the country of the parties concerned.

§ 7. If any one wishes to obtain confirmation in this country of such a decree as is mentioned in § 6, he should apply to the High Court of Justice ("Svea Hofrätt"), and that Tribunal will examine the matter in order to see whether the conditions laid down in the said section exist.

When, in the case in point, the decree has been confirmed, this act (of confirmation) shall render it a final decision.

Should the application be dismissed, it will not preclude a fresh application.

§ 8. So far as the rights of a divorced person to contract a fresh marriage is concerned, a decree of divorce of the kind mentioned in § 6 shall not come into force until confirmation of the decree shall have been given as laid down in § 7.

CHAPTER IV.—*Regarding Guardianship of Minors.*

§ 1. If a Swedish subject, who has no domicile in this kingdom, dies and leaves children under age, a guardian may be appointed should it prove to be to the minor's advantage. The fact that the guardian has been appointed abroad shall in no way hinder the appointment of a guardian in this country. The appointment of a guardian in the above case devolves upon the authorities of the place where the deceased last resided in the kingdom. If he have no residence in this country, the town of Stockholm shall be considered as such.

If a guardian be appointed the authorities shall, without delay, inform the Minister for Foreign Affairs of the fact.

§ 2. When guardianship of a foreign subject under age is instituted in accordance with the law of the State of which he is a subject, the said law shall also be observed as regards the competency of the guardian to act on behalf of the minor. No Court of Justice in this country shall engage in controlling such guardianship or deal with disputes relating to the guardianship.

§ 3. When a foreigner who, according to the law of the State of which he is a subject, shall, on account of minority, be provided with a guardian, has his domicile in this country, the Court shall, through the interposition of the Minister for Foreign Affairs, obtain information as to whether guardianship will be instituted in accordance with the law of the foreign State. If such guardianship be not instituted, the Court shall appoint a guardian in accordance with the Swedish law, which shall also apply as regards the guardian's competency and duties, as well as regarding the control of the guardian's administration. A foreigner who is domiciled in this country may be appointed guardian of such minor as is here referred to.

The duty of appointing a guardian in the cases now mentioned lies, if no other Court is competent, with the Court within the jurisdiction of which the minor is domiciled.

§ 4. If, after a guardian for a foreign minor has been appointed here, it shall come to the knowledge of the Court that guardianship for him has been instituted in accordance with the law of the State to which he belongs, the guardian appointed by the Court shall be discharged.

§ 5. When, in such a case as is contemplated in § 3, it shall be found that the minor or his property are without supervision, the Court shall appoint a trustee to take care of the minor and of his property until a proper guardian shall assume the charge. As to such trustee, the provisions regarding the duty and responsibility of a guardian, as well as the control of a guardian's administration, shall apply.

§ 6. The law of the State to which a minor belongs, although a guardian is appointed according to another law, shall govern the question as to whether such guardian shall no longer be wanted.

CHAPTER V.—*Special Provisions.*

§ 1. When, according to what is hereby enacted, the law of a foreign State shall apply, and special laws be valid for different parts of the foreign State, the question which of the special laws shall apply shall be determined according to what may in such respect be provided for in the foreign State itself.

In the absence of any such provisions the law of the domicile shall apply but, as regards any person who is not domiciled within the State to which he belongs, the law of the place where he was last domiciled within that State shall apply, or, if he has not been domiciled there, the law of the capital of the State.

§ 2. Any question regarding divorce or permanent separation of parties who are subjects of different States shall be determined as though both parties were subjects of the State to which they have last jointly belonged, or, if they have not belonged to one and the same State, of the State to which the husband belongs.

§ 3. When, according to what has here already been stated, the competency of an authority is dependent upon the fact that a party is domiciled within the State to which the authority belongs, the question whether or not the party is domiciled there shall be determined according to the law of the said State; a wife, however, is not to be deemed to have any other domicile than that of the husband unless, according to the law of the State to which the parties belong, the wife may have a special domicile.

§ 4. When, in a case for divorce or separation, the party suing

fails to establish the substance* of any foreign law which, according to what has already been said, shall apply, the suit shall be dismissed unless the substance of the law is in some other way known to the Court.

If the King ordains how information as to the substance of the foreign law may be sought for by the Court, the Court shall, unless the substance of the law is already known to it, be obliged to seek information accordingly.

By this law is repealed the provisions of the Law of the 14th October, 1898 (as to the proving of liberty to enter into matrimony) to the effect that the King shall ordain in what cases the provisions of the said Law shall apply as regards the subjects of foreign States.

All whomsoever this may concern shall duly carry out the same. To further enforce this we have signed it with our own hand, and have had it confirmed with our Royal seal.

Castle of Stockholm, July 8, 1904.

(L.S.) OSCAR.

OSSIAN BERGER, *Department of Justice.*

SWEDISH ROYAL ORDINANCE as to the manner in which a Foreign Subject, who desires to be Married before Swedish Authorities, can state that there exists no impediment thereto.—Stockholm, July 8, 1904.

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, of the Goths and the Vandals, King, do hereby make known that we, according to Chapter I, § 3, of the Law of this day† concerning certain international obligations connected with marriage and guardianship, have found good to ordain as follows:—

§ 1. A foreign subject, who desires to be married by Swedish authorities, must be provided with a legal certificate, issued by the State to which he belongs, declaring that there is no impediment, according to the law of his country, against the marriage in question.

If there should be between the two parties desiring to intermarry any known relationship by marriage or by blood the fact must be specially noted in the certificate and the nature of the relationship defined.

The certificate must also state whether the law of the foreign

* "Innehallet" is literally the contents. (Translator's note.)

† Page 776.

country stipulates that banns have to be published when the subjects of the same wish to marry abroad, and if the publication of such banns is required the certificate must state that they have been published.

A certificate, as above mentioned, if not issued by Norwegian authorities or by Diplomatic or Consular officers accredited to this country, must be accompanied by a declaration of such an officer that it has been issued by the proper legal authority.

§ 2. If a foreign subject is entitled, according to Chapter I, § 2, of the Law concerning certain obligations regarding marriages and guardianship, to contract a marriage in accordance with any other law than that of the country to which he belongs, he shall be treated, with regard to the declaration that no impediment against the marriage exists, as a subject of the country with the law of which he desires to conform.

§ 3. If any Agreement has been made with a foreign Power in order to entitle the subjects (of that Power) to contract marriages in a manner different to that laid down in these Regulations, such an Agreement shall be respected.

All, whomsoever this may concern shall duly carry out the same. To further enforce this we have signed it with our hand, and have had it confirmed with our Royal seal.

(L.S.) OSCAR.

OSSIAN BERGER, *Department of Justice.*

SWEDISH ROYAL ORDINANCE as to the manner in which certain Foreign Laws can be applied in Cases of the Annuling of Marriages.—Stockholm, July 8, 1904.

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, of the Goths and the Vandals, King, do hereby make known that we, according to Chapter II, § 1, of the Law of this day,* concerning certain international obligations connected with marriage and guardianship, have found good to ordain, that the provisions of the paragraph mentioned, viz., that the foreign law concerning the annulling of marriages may be applicable though no cause for such annulling exists according to Swedish law, shall hold good as far as the laws of the following countries are concerned: Belgium, Denmark, France, Italy, Luxemburg, the Netherlands, Norway, Portugal, Roumania, Russia, Switzerland, Spain, Great Britain and

* See page 776.

Ireland, Germany, and Austria-Hungary, provided, however, that what is here laid down is understood to apply only to territories in Europe.

All, whomsoever this may concern shall duly carry out the same. To further enforce this we have signed it with our hand, and had it confirmed with our Royal seal.

(L.S.) OSCAR.

OSSIAN BERGER, *Department of Justice.*

SWEDISH ROYAL ORDINANCE as to the manner in which Swedish Subjects desiring to Marry before Foreign Authorities can obtain Marriage Certificates. — Stockholm, July 8, 1904.

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, of the Goths and Vandals, King, do hereby make known that, according to Chapter I, § 3, of the Law of this day* concerning certain international obligations connected with marriage and guardianship, we have found good to ordain as follows:—

§ 1. If a Swedish subject, in order to contract a marriage before foreign authorities should desire a certificate from the Swedish authorities stating that he is entitled to marry (marriage certificate), such a certificate shall be given him according to the form hereby adjoined.

§ 2. A Swedish subject residing within the kingdom can apply for a marriage certificate to the clergyman or vestry clerk of the parish where his name is registered.

If there is no impediment to the marriage the clergyman or vestry clerk shall, at the expense of the parties wishing to contract marriage, announce in the public and, where possible, in the local papers, the full names of the man and the woman, their age, birth-place, profession, and domicile, and declare that any person desirous of opposing the marriage shall, not later than fifteen days after the announcement, state his objections to the issuer of the announcement.

The raising of objections shall be made in accordance with Chapter VII, § 13, of the Marriage Law.

If no objections are raised or those raised are considered of no importance the certificate shall be issued.

§ 3. A Swedish subject living abroad is authorized to apply for a

* See page 776.

marriage certificate from the Diplomatic or Consular officer empowered by the King to issue such certificates.

If there is no impediment to contract the marriage a notice shall be posted at the Legation or Consulate giving the full names of both parties, their age, birth-place, occupation and domicile, and declaring that any person desirous of opposing the marriage shall, before a certain date, state and substantiate to the issuer of the notice his reasons for objecting. The notice shall also, where possible, be inserted at the expense of the applicants in a local newspaper, and, in the case where the applicant is, or has been, within a year of the application for the performance of the marriage, domiciled in another locality, in a newspaper of that locality.

If no objections are raised, or if those raised are held to be of no importance by the issuer of the notice, the certificate shall be drawn up.

§ 4. If banns are published in legal form in this kingdom the certificate can be issued without the announcement mentioned in §§ 2 and 3.

All, whomsoever this may concern shall duly carry out the same. To further enforce this we have signed it with our hand, and have had it confirmed with our Royal seal.

(L.S.) OSCAR.

OSSIAN BERGER, *Department of Justice.*

Form for the Marriage Certificate.

The Swedish subject (a).....
 born at.....at present living.....
 and who wishes to marry the.....subject (a).....
born the.....at.....
 at present living.....is, as far as has been possible to
 ascertain, entitled to contract this marriage.

.....is apparently not in the relationship by blood or
 by marriage to.....or.....
 is to.....in the relationship by blood or by marriage,
 that.....

According to the Swedish law the publishing of banns in Sweden is not necessary when a Swedish subject wishes to marry abroad.

When a Swedish subject marries a foreign woman, the woman acquires by the marriage the rights and privileges of a Swedish subject. Children born of such a union are Swedish subjects.

Which is acknowledged.

.....the.....

(Officer's title.)

(a) Full name and occupation.

*ACCESSION of Sweden from the 1st August, 1904, to the Copyright Convention of the 9th September, 1886, and the Declaration of the 4th May, 1896.—Stockholm, July 8, 1904.**

(Translation.)

WE, Oscar, by the grace of God, of Sweden and Norway, the Goths and the Vandals, King, do make known that we have found it good and useful that our Swedish Kingdom should join the Convention signed at Berne on the 9th September, 1886,† between various Powers and actually in force between the following States, namely, the German Empire, Belgium, Denmark, Spain, France, Great Britain and Ireland, Hayti, Italy, Japan, Luxemburg, Morocco, Norway, Switzerland, and Tunis respecting the creation of an international union for the protection of literary and artistic works;

We have, therefore, ordained that from and on the 1st August next, our Swedish Kingdom do accede to the said Convention with the supplementary Articles appertaining thereto, to the Final Protocol, and to the *procès-verbal de signature*, as well as to the Declaration signed at Paris on the 4th May, 1896,‡ with respect to the said Convention, word for word, as follow here below, so that we will truly and honourably observe and carry out all that these Agreements contain and determine with all their Articles, points, and clauses.

In witness whereof we have signed this with our own hand, and had it confirmed with our Royal seal in the Castle of Stockholm on the 8th day of July, in the year 1904, after the birth of Our Lord and Saviour Jesus Christ.

(L.S.) OSCAR.

ALFR. LAGERHEIM.

SWISS NOTIFICATION of the Accession of Sweden from the 1st August, 1904, to the International Copyright Convention of the 9th September, 1886, and the Declaration of the 4th May, 1896.—London, July 30, 1904.

No. 1.—M. Carlin to the Marquess of Lansdowne.

M. LE MARQUIS,

Londres, le 30 Juillet, 1904.

SUR l'ordre de mon Gouvernement j'ai l'honneur d'informer votre Seigneurie que, par une note datée du 8 Juillet, 1904, son

* Notified by the Swiss Government in Note of the 30th July, 1904.

† Vol. LXXVII, page 22.

‡ Vol. LXXXVIII, page 41.

Excellence M. Lagerheim, Ministre des Affaires Étrangères du Royaume de Suède et Norvège, a fait connaître au Conseil Fédéral Suisse l'adhésion de la Suède à la Convention du 9 Septembre, 1886,* créant une Union Internationale pour la protection des œuvres littéraires et artistiques, ainsi qu'à la Déclaration Interprétative signée à Paris le 4 Mai, 1896.† (La Suède laisse ainsi de côté, comme l'a fait la Norvège, l'Acte Additionnel, signé à Paris le 4 Mai, 1896.‡)

Conformément aux indications reçues du Gouvernement Suédois, cette adhésion produira ses effets à partir du 1^{er} Août, 1904, et la Suède sera rangée, en ce qui concerne la contribution aux dépenses du Bureau International de Berne, au nombre des États de la troisième classe.

En vous priant de vouloir bien consentir à me donner acte de la présente communication, je saisis, &c.

The Marquess of Lansdowne.

CARLIN.

No. 2.—The Marquess of Lansdowne to M. Carlin.

SIR,

Foreign Office, August 11, 1904.

I HAVE the honour to acknowledge the receipt of your note of the 30th ultimo, acquainting me that on the 8th ultimo his Excellency M. Lagerheim, Minister for Foreign Affairs of the Kingdom of Sweden and Norway, notified to the Swiss Federal Council the accession of Sweden to the Convention of the 9th September, 1886, creating an International Union for the protection of literary and artistic works, as well as to the Explanatory Declaration signed at Paris, 4th May, 1896. You add that Sweden, like Norway, does not accede to the Additional Act signed at Paris, 4th May, 1896.

You also acquaint me that, according to information received from the Swedish Government, this accession will take effect from the 1st August, 1904, and that Sweden will rank in the third class with respect to its contribution to the expenses of the International Bureau.

In taking note of this communication, I have, &c.

M. Carlin.

LANSDOWNE.

* Vol. LXXVII, page 22.

† Vol. LXXXVIII, page 41.

‡ Vol. LXXXVIII, page 36.

SWEDISH ORDINANCE relating to the Admission of Foreign Ships of War into the Harbours and Territorial Waters of Sweden.—Stockholm, April 22, 1904, and June 27, 1905.

Nous, Oscar, par la grâce de Dieu, Roi de Suède et de Norvège, des Goths et des Vendes, savoir faisons que, sur la proposition des autorités compétentes, il nous a plu d'ordonner ce qui suit :—

§ 1. Sauf autorisation spéciale, aucun bâtiment de guerre étranger ne sera admis dans un port de guerre du royaume.

L'entrée des autres ports ou rades du royaume sera libre aux bâtiments de guerre des Puissances étrangères, avec la réserve que, sauf autorisation spéciale, pas plus de trois bâtiments de guerre de la même Puissance pourront séjourner simultanément dans le même port ou sur la même rade, et que la durée de leur séjour ne pourra dépasser quatorze jours.

§ 2. Sont ports de guerre du royaume : Stockholm, Karlskrona, Färösund, et Göteborg, les rayons fermés dans lesquels les bâtiments de guerre étrangers ne seront pas libres d'entrer comprennent—

A Stockholm : les eaux en deçà d'une ligne partant de Spillersboda sur le continent Suédois et passant par Furusund, Sandhamn, et Fiversätraö jusqu'à Dalarö, et d'une autre ligne, Herrhamra-Landsort-Ledskär ;

A Karlskrona : les eaux en deçà des défenses fixes sous-marines ;

A Färösund, l'entrée du nord : les eaux en deçà d'une ligne reliant Vialmsudde avec Hällegrundsudde ; et l'entrée du sud : les eaux en deçà d'une ligne, Ryssnäs-Marque de Bungeör-Bungenas ; et

A Göteborg : les eaux en deçà d'une ligne partant de Korshamn sur le continent Suédois et passant par le phare de Sälö, la balise de Torrboskär, le phare de Vinga, la tourelle de Yttre Tistlarna et la pointe sud-ouest de Särö.

§ 3. Tout bâtiment de guerre étranger, ayant obtenu, par voie diplomatique ou autrement, l'autorisation d'entrer dans un port de guerre Suédois, sera tenu à observer, quant au choix du mouillage, les règlements établis par l'autorité militaire supérieure du port.

§ 4. Tout bâtiment de guerre étranger, séjournant dans un port ou sur une rade du royaume, doit, si le Roi l'ordonne, quitter le port ou la rade et prendre la mer, dans un délai de six heures, après en avoir reçu l'intimation de la part de l'autorité supérieure militaire ou civile de l'endroit, même dans le cas où le temps stipulé dans le § 1, ou autrement fixé, pour le séjour du navire, ne serait pas écoulé.

§ 5. Le personnel de tout bâtiment de guerre étranger,

séjournant dans un port ou dans les eaux territoriales du royaume, ne pourra, sauf autorisation spéciale, entrer ni dans les rayons occupés par les batteries, fortifications, dépôts, ou autres établissements militaires ni dans ceux clos par l'autorité militaire. Il est en outre interdit au personnel de dresser des cartes et de procéder aux opérations de mesurage hydrographique ou au sondage, à l'exception du sondage nécessaire pour la navigation et la sécurité du navire.

Aucun exercice de débarquement ou de tir ne pourra être entrepris. Sauf permission spéciale, l'équipage ne pourra descendre à terre que sans armes, à l'exception des officiers et sous-officiers, en ce qui concerne l'épée et le poignard, faisant partie de leur uniforme.

§ 6. Aucun bâtiment de guerre étranger ne pourra dans les eaux territoriales du royaume suivre d'autres passes que celles où les pilotes d'État sont autorisés à conduire les navires. A moins qu'il n'en soit autrement ordonné, le Commandant d'un tel navire doit, en naviguant dans les eaux territoriales de la Suède, employer un pilote autorisé, et se conformer aux règlements sanitaires, de pilotage, de douane, et de port établis par l'autorité compétente.

§ 7. Les stipulations du § 1 ne s'appliquent point à un navire à bord duquel se trouve un chef d'État étranger ou son représentant officiel, ni aux bâtiments qui convoient un tel navire, ni aux navires en détresse.

§ 8. En dehors des stipulations précédentes, sont applicables les prescriptions spéciales quant à l'entrée des bâtiments de guerre, appartenant à des Puissances belligérantes, dans les ports et sur les rades du royaume.

La présente Ordonnance entrera en vigueur immédiatement.

[Donnée au Château de Stockholm, le 22 Avril, 1904, et modifiée le 27 Juin, 1905.]

ORDINANCE of the King of Sweden and Norway containing Rules governing the Admission of Belligerent Ships of War into Swedish and Norwegian Ports and Waters.—April 30, 1904.

LE ROI de Suède et de Norvège ayant accédé à la Déclaration au sujet des principes du droit maritime en temps de guerre, signée à Paris le 16 Avril, 1856,* les corsaires ne seront point admis dans les ports, ni sur les rades, des deux royaumes.

Le Roi ayant ratifié la Convention du 29 Juillet, 1899,† pour

* Vol. XLVI, page 26.

† Vol. XCI, page 1002.

l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864,* il y a lieu de relever que l'Article VI de la dite Convention porte que les bâtimens de commerce, yachts, ou embarcations neutres, portant ou recueillant des blessés, des malades, ou des naufragés des belligérans, ne peuvent être capturés pour le fait de ce transport, mais restent exposés à la capture seulement pour les violations de neutralité qu'ils pourraient avoir commises.

Le Roi a décidé :

1. D'interdire aux bâtimens de guerre des parties belligérantes l'accès des eaux territoriales, en deçà des défenses fixes sous-marines, ainsi que l'accès des ports suivans :—

(A.) En Suède :

Stockholm, comprenant les eaux en deçà d'une ligne partant de Spillersboda sur le continent Suédois et passant par Furusund, Sandhamn, et Fiversätraö jusqu'à Dalarö, et d'une autre ligne, Herrhamra-Landsort-Ledskär ;

Karlskrona, en deçà des défenses fixes sous-marines :

Fårösund, l'entrée du nord, comprenant les eaux en deçà d'une ligne reliant Vialsudde avec Hällegrundsudde, et l'entrée du sud, comprenant les eaux en deçà d'une ligne, Ryssnäs—Marque de Bungeör-Bungenäs ; et

Slite, comprenant les eaux en deçà des lignes nord vrai et ouest vrai, reliant la marque de Magö avec la terre ferme de l'Ile de Gottland.

(B.) En Norvège :

Le port de Fredrikshald ;

Le fjord de Kristiania en deçà de Bastö ;

Le fjord de Tönsberg en deçà de Natholmen et des phares d'Ostre Vakerholmen, de Mogerötangen, et de Vallö ;

Le port de Kristianssand avec les eaux en deçà de Fredriksholm et des phares d'Oxö, de Grønningen, et de Torsö ;

Le port de Bergen avec ses entrées :

(a.) Byfjorden en deçà de Hjelteskjær—Stangen ;

(b.) L'entrée du nord en deçà de Herlö—Agnö—Bognö ;

Le fjord de Trondhjem en deçà des fortifications d'Agdenes ; et

Le port de Vardö.

2. D'accorder aux bâtimens de guerre des Puissances belligérantes l'entrée des autres ports de Suède et de Norvège.

Toutefois ils devront se conformer aux règles suivantes :—

Il leur est interdit d'y faire des approvisionnements quelconques si ce n'est en vivres, denrées, et moyens de réparations, nécessaires à la subsistance de l'équipage ou à la sécurité de la

* Vol. LV, page 43.

navigation. Quant au charbon, ils n'en pourront prendre que la quantité nécessaire pour atteindre le port national non bloqué le plus proche, ou bien, avec le consentement des autorités du Roi, une destination neutre. Sans autorisation spéciale, il ne sera pas permis au même navire de prendre derechef du charbon dans un port ou rade de Suède ou de Norvège avant trois mois, à partir du dernier approvisionnement qu'il y aura fait.

Ils y pourront exécuter des réparations d'urgence ayant trait à la sécurité de la navigation, mais il leur est interdit d'y entreprendre des travaux ayant pour but d'augmenter leur puissance militaire.

Ils n'y pourront stationner que vingt-quatre heures, à moins que l'état de la mer, le manque de vivres ou les avaries du navire ne nécessitent un plus long séjour. Dans ce cas ils devront quitter le port aussitôt que possible après la cessation du fait qui a causé le retard.

Les règlements sanitaires et de police que les circonstances auraient rendu ou pourraient rendre nécessaires devront être observés et respectés.

Il est bien entendu qu'il ne sera permis à aucun des belligérants de se livrer, dans les ports ou les eaux de Suède et de Norvège, à des actes d'hostilité, ni d'en faire une base de ses opérations maritimes contre l'autre, ni de s'en servir pour faciliter celles-ci ou pour augmenter ou renouveler ses forces militaires.

Il est également défendu à tout navire de guerre d'une des parties belligérantes de quitter tout port, havre, ou baie de Suède ou de Norvège d'où est sorti un navire quelconque de l'autre partie belligérante (navire de guerre ou de commerce), avant l'expiration de vingt-quatre heures au moins depuis le départ de ce dernier navire.

3. D'interdire dans les ports et rades de Suède et de Norvège, excepté en cas de détresse constaté, l'entrée des prises, ainsi que leur condamnation ou leur vente.

4. D'interdire aux Puissances belligérantes d'établir sur le sol Suédois ou Norvégien des dépôts de charbon.

CONVENTION D'ARBITRAGE entre la Suisse et la Suède et Norvège.—Signée à Berlin, le 17 Décembre, 1904.

[Ratifications échangées à Berlin, le 13 Juillet, 1905.]

LE Conseil Fédéral Suisse et Sa Majesté le Roi de Suède et de Norvège, Signataires de la Convention pour le Règlement

Pacifique des Conflits Internationaux, conclue à La Haye, le 29 Juillet, 1899,* désirant, en application des principes énoncés aux Articles XV à XIX de la dite Convention, entrer en négociations pour la conclusion d'une Convention d'Arbitrage obligatoire, ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, M. Alfred de Claparède, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, &c. ;

Sa Majesté le Roi de Suède et de Norvège, M. Arvid Fredrik, Comte Taube, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre au Tribunal prévu dans la Convention de La Haye du 29 Juillet, 1899, et choisi dans la Cour Permanente d'Arbitrage établie par cette Convention, tous les différends qui pourraient se produire entre elles et qui ne pourraient être réglés par les voies diplomatiques, à l'exception toutefois de ceux mettant en cause les intérêts vitaux, l'indépendance, ou l'exercice de la souveraineté des pays respectifs ou touchant aux intérêts de tierces Puissances.

II. Il appartient à chacune des Hautes Parties Contractantes d'apprécier si le différend qui se sera produit met en cause ses intérêts vitaux, son indépendance ou l'exercice de sa souveraineté, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

III. Les Hautes Parties Contractantes s'engagent à ne pas faire valoir des exceptions d'après l'Article II dans les cas suivants, pour lesquels l'arbitrage sera en tout cas obligatoire :—

1. En cas de différends lorsqu'il s'agit de l'interprétation ou de l'application des Conventions de toute espèce entre les Hautes Parties Contractantes.

2. En cas de différends sur la fixation du montant des indemnités pécuniaires, lorsque le principe de l'indemnité est reconnu par les Parties.

IV. La présente Convention recevra son application même si les différends qui viendraient à se produire avaient leur origine dans des faits antérieurs à sa conclusion.

V. Lorsqu'il y aura lieu à un arbitrage entre elles, les Hautes Parties Contractantes à défaut de clauses compromissaires contraires se conformeront, pour tout ce qui concerne la désignation des Arbitres et la procédure arbitrale, aux dispositions établies par la Convention du 29 Juillet, 1899, sauf en ce qui concerne les points indiqués ci-après.

VI. Aucun des Arbitres ne pourra être sujet ou citoyen des Etats Signataires de la présente Convention, ni être domicilié sur leurs territoires, ni être intéressé dans les questions qui feront l'objet de l'arbitrage.

VII. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme avant l'expiration duquel devra avoir lieu l'échange entre les deux parties des mémoires et documents se rapportant à l'objet du différend. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

VIII. La sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée, s'il y a lieu.

IX. La présente Convention aura la durée de dix ans à partir du jour de l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, six mois avant la fin de la dite période, son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

X. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Berlin.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à Berlin, le 17 Décembre, 1904.

(L.S.) ALFRED DE CLAPARÈDE

(L.S.) TAUBE

PROTOCOLE DE SIGNATURE.

AU moment de procéder à la signature de la Convention d'Arbitrage, conclue à la date de ce jour, les Plénipotentiaires soussignés déclarent qu'il est entendu que la Convention n'abroge pas les dispositions de l'Article VII du Traité réglant les relations commerciales entre la Norvège et la Suisse, et l'établissement, dans les deux pays, conclu à Berne le 22 Mars, 1894.*

Il est également entendu que les dispositions de l'Article VII de la Convention ne portent aucune atteinte à ce qui a été stipulé dans la Convention de La Haye du 29 Juillet, 1899, concernant la seconde phase de la procédure arbitrale (Article XXXIX), notamment les stipulations des Articles XLIII à XLIX.

En foi de quoi les Plénipotentiaires respectifs ont dressé le

présent Protocole de signature, qui aura la même force et la même valeur que si les dispositions qu'il contient étaient insérées dans la Convention elle-même.

Fait à Berlin, en double exemplaire, le 17 Décembre, 1904.

(L.S.) ALFRED DE CLAPARÈDE.

(L.S.) TAUBE.

*ADDRESS of the Norwegian Government to His Majesty King
Oscar resigning their Offices.—Christiania, June 6, 1905.*

(Translation.)

To the King,

IN a State Council at the Castle of Stockholm, on the 27th May, it has pleased your Majesty, in reply to our humble resignations, to resolve:—

"It being evident to me that no other Government can now be formed, I do not comply with the resignations tendered by the Ministers."

According to the Fundamental Law of Norway it is incumbent on the King of Norway to procure for the country a constitutional Government. At the very moment the policy of the King prevents the formation of a responsible Council, the Norwegian Royal Power has ceased to be in function.

By your Majesty's Resolution the constitutional relationship between your Majesty and the responsible Ministers of the Crown has further been brought into a position which does not admit of being maintained. In a constitutional country no Government, nor any single member of the same, can be forced to continue against his will with the responsibility of a Minister, when their responsible advices in important questions vital to the country are not followed by the King, who, according to the Constitution, is free from responsibility. As it is, in these circumstances, the unquestionable right of every single member of the Ministry, as a free man, to resign his charge, so this will generally also be a duty towards the country for the maintenance of its constitutional rights.

Your Majesty has declared that no other Government can now be formed. Your Majesty has found this to be so evident that the King of Norway has, during these serious days, remained at the Palace of Stockholm without making any attempt to restore the country to a constitutional position.

The policy which has found its expression in your Majesty's position towards the question of sanctioning the Consular law is, in our opinion, incompatible with the Norwegian Constitution. But

no more than any new Government can assume the responsibility of this policy, no more can we, by remaining in our offices, render ourselves accessory to it. It is, therefore, our duty to retire from the management of our offices, and instantly to give the Storting due notice thereof.

This will now be done.

Profound and irreconcilable political differences have thus shattered the frame of the constitutional Norwegian Kingdom. Matters and circumstances have been stronger than the will of the individual. But the dissolution of the Union which has now been initiated by your Majesty's above-named Resolution—certainly taken with a heavy heart, but also with a clear understanding of its consequences—may yet, so is our hope, within a short time prove to have been the beginning of better and happier days for the two nations whose prosperity and welfare your Majesty has always had at heart.

Finally, we beg to present to your Majesty our most humble thanks for the personal graciousness and kindness shown to us during the time we have had the honour to be members of your Majesty's Council.

We beg your Majesty to receive the assurance that we fully realize your Majesty's difficult position, and we beg to profess our unaltered high esteem. But before all things must stand our duty towards the country.

(Signatures of all the members of the Ministry.)

June 6, 1905.

RESOLUTION passed by the Storting authorizing the late Ministry to carry on the Government of Norway.—Christiania, June 7, 1905.

(Translation.)

WHEREAS all the members of the Ministry have resigned their offices;

Whereas His Majesty the King has declared himself unable to procure for the country a new Government; and

Whereas the Constitutional Royal Power has thus ceased to be in function:

The Storting authorizes the members of the Ministry resigning to-day, for the present, in the capacity of the Norwegian Government, to exercise the authority vested in the King in accordance with the Fundamental Law of the Kingdom of Norway and the laws in force, with such modifications as are necessitated by the

fact that the union with Sweden under one King has been dissolved in consequence of the King having ceased to act as Norwegian King.

ADDRESS of the Storting to His Majesty King Oscar justifying their Action with regard to the Government of Norway and the Dissolution of the Union.—Christiania, June 7, 1905.

(Translation.)

Your Majesty,

ALL the members of the Ministry having this day in the Storting resigned their offices, and your Majesty having, in a Protocol of the 27th May of the present year, officially declared that your Majesty is unable to procure for the country a new Government, the Constitutional Royal Power in Norway has thus ceased to discharge its functions.

It has therefore been the duty of the Storting, as the representatives of the Norwegian people, immediately to authorize the members of the resigning Ministry, in the capacity of the Norwegian Government, to exercise for the present the authority vested in the King in accordance with the Fundamental Law of the Kingdom of Norway and the laws in force, with such modifications as are necessitated by the fact that the union with Sweden, which implies a joint King, has been dissolved, in consequence of the King having ceased to act as Norwegian King.

The course of this evolution, which has been stronger than the desires and will of the individual, has led to this result.

The Union entered upon in 1814 has from the very first moment been differently construed by the two peoples, both as regards its nature and dispositions. From the Swedish side the exertions have been directed towards extending the partnership; from the Norwegian side towards limiting it to what has been prescribed in the Act of Union, and for the rest to maintain the exclusive right of both kingdoms in all matters which are not described in the Act of Union as being of a Union character. This radical difference in the conception of the nature of the Union has given rise to much misunderstanding between the peoples, and caused much friction. And in the Swedish conception, which during the last negotiations between the kingdoms has been maintained by the Swedish Government towards Norway, the Norwegian people has unavoidably seen a violation of its Constitutional right, its independence, and its national honour.

The Union was justified as long as it was able to contribute to the furtherance of the welfare and prosperity of both peoples with

the maintenance of their independence as sovereign States. But above the Union stands for us Norwegians our Norwegian, for the Swedes the Swedish, native land. And more valuable than a political union is the feeling of solidarity and free concord of both peoples. To this sympathy between the Norwegian and the Swedish people, which ought to secure the prosperity of both peoples, and be their strength outwardly, the Union has become a danger.

While the Union is now being dissolved, the Norwegian people has no higher desire than to live in peace and good understanding with every one, and not least with the people of Sweden and with the dynasty under whose rule our country, despite much bitter Union strife, has made such important intellectual and material progress.

With the testimony that the work of the Norwegian people and their struggle for the complete independence of the country has not arisen from any animosity against the Royal House or the Swedish people, and has left no bitterness against either, the Storthing respectfully begs to solicit your Majesty's concurrence with a view to obtain permission for a Prince of your Majesty's House to be elected King of Norway, on condition that he renounced his hereditary right to the Throne of Sweden.

The day when the Norwegian people elects its own King to ascend the ancient Throne of Norway will initiate an era of tranquil years for Norway, of a good and hearty relationship to the Swedish people, and of peace, unity and faithful concord in the North, for the defence of the culture of the nations, their freedom and independence.

Fully satisfied hereof, the Storthing ventures to express the confident hope that that which has now happened will be found to be best for all as well as for your Majesty, for whose person the Norwegian people will keep unabated their high esteem and affection.

June 7, 1905.

*PROCLAMATION of the Storthing to the Norwegian People explaining its Action with regard to the Government of Norway and the Dissolution of the Union with Sweden.—
Christiania, June 7, 1905.*

(Translation.)

WITH the approval of the whole nation, the Storthing has unanimously passed a law for the introduction of a separate Norwegian Consular Service.

The whole Norwegian Government unanimously and urgently

advised the King to sanction this law. In the Council of State at Stockholm, on the 27th of last month, the King, however, declared that he would not sanction the law, stating that the Joint Consular Service, which has existed up to the present, cannot be broken without mutual agreement. This idea is altogether opposed to what has again and again been stated by Norway to be the fundamental principle—that each country should have the sole control of all matters that are not, by the Act of Union, stated to be common to the two countries.

The members of the Norwegian Council of State (in Stockholm) first recommended that the matter should be referred to the Council of State in Christiania, in order that the King could treat this important question at a meeting of the whole Government. The King, however, declared that he could not accept this suggestion.

The members of the Norwegian Council of State (in Stockholm) thereupon handed in the resignation of the whole Ministry, and stated that no member of this Ministry could undertake the constitutional responsibility for, and countersign, a decision for refusal of sanction which was so decidedly injurious to the country.

The King then made the following statement:—

“As it is evident that no new Government can now be formed, I do not accept the resignation of the Cabinet.”

Our country was thus placed in a constitutionally untenable position. The members of the Government could not be forced, against their convictions, to remain as responsible advisers of a King who would not follow their advice. The King had declared, even without making an attempt, that he was unable to call together a new Government for the country. This untenable position has not been changed.

Under these circumstances, all the members of the Cabinet have felt obliged to relinquish their offices to-day, and have informed the Storting of this fact. Thus the constitutional King has become inoperative, as the King, according to the Constitution, must have responsible advisers, and thus the union with Sweden which presupposes a joint King, has been dissolved.

It was consequently the duty of the Storting, as the representative of the Norwegian people, at once to authorize the members of the late Cabinet to exercise, until further notice, and as the Norwegian Government, the powers that were vested in the King, in conformity with the Constitution of Norway and the laws now in force, with such alterations as may be required by the fact that the union with Sweden under one King has been dissolved in consequence of the King having ceased to act as Norwegian King.

The members of the Cabinet accepted the duties imposed on them, and are now, therefore, the lawful Government of Norway. His

Majesty will be informed of this by an Address, which was approved by the Storthing to-day.

The Storthing will also beg His Majesty to assist in obtaining permission for a Prince of the Royal House to renounce his hereditary claim to the Throne of Sweden, and to accept election as King of Norway.

If the course of the developments, which have been stronger than many would have wished or asked for, has forced the Storthing to take these steps, it is our firm hope that the Norwegian people will be able to live in peace and good understanding with all, and not the least with the people of Sweden, with whom they are united by so many natural bonds.

With the certainty that the Norwegian people will support the Storthing and the Government in their claim for the complete independence of the country, and that they will be willing, with the same steadfastness, thoughtfulness, and dignified composure to accept any sacrifices that may be required of them, the Storthing expects that every inhabitant of the country will in every way obey the orders and directions of the Government, and also requires that all officials and all public servants, civil, military, and ecclesiastical, will in all respects show the Government the obedience they have a right to demand in consequence of the authority the Storthing, in the name of the Norwegian nation, has given them.

PROCLAMATION of King Oscar summoning the Swedish Diet to consider the Action of Norway regarding the Dissolution of the Union with Sweden.—Stockholm, June 9, 1905.

(Translation.)

WE, Oscar, by the grace of God King of Sweden, Norway, the Goths, and the Vandals, hereby make known:

Whereas by a Resolution of the 7th of the present month* the Norwegian Storthing has empowered the members of the Norwegian Council of State to exercise until further notice the Royal Prerogative as the Norwegian Government, and has likewise declared that the Union with Sweden under one King has been dissolved.

This measure which has been taken by the Storthing on its own initiative is manifestly opposed to the Union existing between the two kingdoms as established by law, which cannot be abrogated by a one-sided resolution within either kingdom.

In order that we may have an opportunity of immediately

considering with the Diet the measures which must be adopted on the part of Sweden in consequence of what has taken place, we summon all the members of both the Chambers of the Diet to meet at Stockholm in extraordinary Session on Tuesday, the 20th of the present month.

Let all the necessary formalities be accordingly duly observed. In faith whereof we have signed this present with our own hand, and confirmed the same with our Royal seal.

The Palace of Stockholm, this 9th day of June, 1905.

(L.S.) OSCAR.

HJALMAR WESTRING

LETTER addressed by the King of Sweden and Norway to the Storthing regarding their Action with reference to the Consular Service and the Dissolution of the Union with Sweden; and reserving His own Rights and those of Sweden as to the Decision of the Question.—Château de Rosendal, June 10, 1905.

(Traduction.)

Au Président du Storthing,

JE m'adresse à vous, et par vous au Storthing et au peuple Norvégien, pour dire ce qui suit, en réponse aux communications et aux actes tant du Gouvernement Norvégien que du Parlement :—

Le serment que le Roi de Norvège prête, conformément à l'Article 9 de la Loi Fondamentale, en assumant le pouvoir, de "gouverner le Royaume de Norvège d'après sa constitution et ses lois," m'impose le devoir comme Souverain de ne pas laisser sans la relever l'opinion exprimée par le Conseil des Ministres au sujet de ma décision du 27 Mai dernier, par laquelle je déclarais ne pas trouver opportun pour le moment de sanctionner la décision du Storthing établissant un service Consulaire séparé pour la Norvège. Le Conseil soutint à cette occasion l'avis que ma décision, allant à l'encontre de la recommandation unanime des Ministres, constituerait un déni du droit constitutionnel du Royaume de Norvège de régler cette question à son gré et serait une violation de la liberté, de l'indépendance et de la souveraineté de la Norvège; sur quoi le Conseil déclara qu'aucun membre du Gouvernement actuel ne voudrait contresigner ma décision, ce qui seul, dans son opinion, lui donnerait constitutionnellement force exécutoire.

Le droit du Roi de Norvège de refuser, lorsqu'il juge que le bien de l'État l'exige, de sanctionner un projet de loi voté par le Storthing lui appartient inconditionnellement. Il n'est fait à cette règle

aucune exception, même si le Storthing adoptait à plusieurs reprises la même loi sans la modifier. D'après le § 79 de la Loi Fondamentale une décision du Storthing peut toutefois acquérir force de loi, sans la sanction Royale, mais seulement dans le cas où elle serait votée, sans modification, par trois Storthings, élus durant trois périodes électorales successives. La décision ainsi votée est alors soumise au Roi, "avec l'instance," dit la loi, "que Sa Majesté ne refusera pas sa sanction à une décision que le Storthing, après les plus mûres délibérations, juge être utile."

Dans le cas dont il est question ici il ne s'agissait pas d'une décision prise par le Storthing dans les conditions précitées, mais d'une décision à laquelle s'applique le § 78 de la Loi Fondamentale ainsi conçu: "Si le Roi approuve la décision, il la revête de sa signature, qui lui donne force de loi. S'il ne l'approuve pas, il la renvoie à l'Odelsting, avec la déclaration qu'il ne trouve pas, pour le moment, opportun de la sanctionner." "Et," est-il ajouté dans ce paragraphe, "la décision ne pourra plus, dans ce cas, être renvoyée à la sanction par le Storthing alors en session." Par cette prescription la Loi Fondamentale a évidemment voulu assurer la liberté du Roi dans l'exercice de l'autorité en matière législative qui lui appartient incontestablement. Ma résolution de ne pas sanctionner une loi instituant un service Consulaire séparé pour la Norvège ne peut, par conséquent, pas être considérée comme un excès quelconque de cette autorité en matière législative dont se trouve investi le Roi par la Constitution, et cela même dans le cas où la question dont il s'agit serait envisagée comme une question ne concernant exclusivement que la Norvège. Mais, vu les conditions de l'Union qui existe entre la Norvège et la Suède, j'avais non seulement le droit, mais le devoir, comme Roi de Norvège, de refuser la sanction, car l'abrogation du service Consulaire commun en vigueur ne peut avoir lieu que si la Norvège acceptait les négociations libres et amicales, sur la base d'une complète égalité entre les Royaumes-Unis, auxquelles tant le Souverain que le Riksdag Suédois à l'unanimité avaient donné leur consentement. La prétention qu'une telle déférence aux obligations qui résultent de l'Union existante puisse constituer une atteinte à l'indépendance et à la souveraineté de la Norvège est d'autant moins fondée que la Loi Fondamentale établit un lien incontestable entre l'indépendance de la Norvège et son union avec la Suède. Le Roi de Norvège doit toujours avoir en mémoire le § 1 de cette Loi: "Le Royaume de Norvège est un État libre, indépendant, indivisible et inaliénable, uni à la Suède sous le même Roi."

La déclaration du Conseil que ma décision de ne pas sanctionner la loi Consulaire votée par le Storthing serait privée de toute autorité légale par le fait qu'aucun des membres du Conseil ne

voulut consentir à la contresigner émet une prétention que je déclare être en contradiction avec la Loi Fondamentale.

La question de la signification qu'il faut attacher à la contresignature Ministérielle d'après le droit constitutionnel Norvégien ne date pas d'aujourd'hui; elle est plus ancienne que la Loi Fondamentale elle-même. Elle fut résolue par l'Assemblée Constituante d'Eidsvold. Un projet qui fut soumis à cette Assemblée, portant que la contresignature serait exigible pour que les ordres du Roi fussent exécutoires, a été repoussé par elle comme contraire aux principes généraux de la Loi Fondamentale en ce qui concerne la séparation des pouvoirs. Le même point de vue a été maintenu dans la Loi du 4 Novembre. Ce point de vue a été celui du Comité Constitutionnel qui l'a fait valoir à deux reprises, en 1824 et en 1839, lorsque le Storting rejeta, sur son avis, un projet de loi qui tendait à une autre manière de voir. Les modifications apportées plus tard à l'Article 32 de la Loi Fondamentale confirment encore une fois l'opinion que la contresignature du Ministre d'État n'est, en somme, qu'un témoignage que telle décision a été prise par le Roi. Que l'Article 31 impose sans conditions au Ministre d'État l'obligation de contresigner est une opinion partagée par les jurisconsultes qui ont interprété la Loi Fondamentale. En citant à l'appui de son allégation la déclaration du Gouvernement Norvégien au sujet de l'adoption en 1847 du projet visant la revision du Pacte d'Union, la députation du Conseil oublie que cette déclaration, de même que l'Article 38 de la Constitution Suédoise, ne s'applique qu'aux expéditions résultant des décisions prises, et non pas aux décisions elles-mêmes prises par le Roi et portées au Protocole. Elle oublie de même que le Gouvernement Norvégien ne fit alors nullement valoir que la Loi Fondamentale de Norvège reconnaissait au Ministre d'État le droit de refuser de contresigner. Cette Loi établit, au contraire, expressément, par l'Article 30: "Il est réservé au Roi de prendre une décision selon son propre jugement;" et par l'Article 31: "Tous les ordres émanant du Roi lui-même (à l'exception de ceux du commandement militaire) devront être contresignés par un des Ministres d'État" (avant 1873 "par le Ministre d'État").

Ceci étant, l'on ne peut guère me contester le droit d'exiger qu'on respecte une décision prise par le Roi de Norvège en toute conformité avec la Loi Fondamentale.

Le pouvoir que la loi met à la disposition du Souverain pour lui rendre la tâche possible de veiller au bien du pays n'est pas si étendu qu'il ne doive être conservé au Souverain si l'on veut que des pratiques constitutionnelles contraires à l'esprit de la Loi Fondamentale ne s'introduisent forcément. Selon les prescriptions de l'Article 112, de telles modifications ne peuvent pas même être

introduites par une revision de la Constitution. Un des principes fondamentaux de la Constitution—et le plus important de tous—est celui-ci : que le régime de la Norvège est et demeure celui d'une Constitution Monarchique. Il est incompatible avec ce principe que le Roi soit abaissé au point de devenir un instrument sans volonté dans les mains du Conseil. Si, cependant, il devenait loisible aux membres du Conseil de mettre obstacle, par le seul fait de leur refus de la contresigner, à toute décision Royale, le Roi serait privé par là de toute participation effective au pouvoir. Cette situation serait aussi humiliante pour le Souverain que préjudiciable à la Norvège elle-même.

A ces raisons constitutionnelles, qui militent contre la légalité du refus du Ministre d'État de contresigner ainsi que contre le dogme qu'on cherche à établir, que la décision du Roi n'est valable que si elle est appuyée par un Ministre responsable, viennent s'ajouter—à l'égard des questions qui concernent l'Union—les considérations qui résultent du fait que le Roi de Norvège est en même temps Roi de l'Union.

Quelle que soit la conception qu'on se fait de l'étendue de la communauté que les conditions de l'Union ont créée, il n'en est pas moins évident que la Royauté est une institution unionnelle ou commune. Cette position du Roi, comme Souverain non seulement de la Norvège ou de la Suède, mais des deux Royaumes-Unis, lui fait un devoir de ne pas prendre, contrairement à l'Article 5 du Rikssakt, par anticipation, des décisions dans l'un des Royaumes qui puissent réagir sur l'autre. Le devoir du Roi dans ce cas est incompatible avec la théorie que dans l'un des Royaumes les Ministres, par un refus de contresigner ou tout autre moyen, peuvent rendre nulle une décision par laquelle le Roi, en refusant sa sanction, aurait voulu empêcher une mesure préjudiciable à l'autre Royaume ou nuisible à l'Union. Si la Norvège maintient l'opinion contraire et que le peuple revendique le droit de forcer le Roi de prendre des décisions qu'il juge incompatibles avec sa position de Souverain de l'Union, il en résulterait que le Roi de l'Union et le Roi de Suède deviendrait absolument dépendant dans ses faits et gestes de la volonté du peuple, du Storting et des Ministres Norvégiens. Or, je maintiens qu'une telle situation créée au Monarque Unionnel serait absolument contraire à l'Union fondée par le Rikssakt. Je me suis toujours évertué à donner à la Norvège la place qui lui revient de droit dans l'Union. Mon devoir Royal vis-à-vis de l'Union m'a imposé l'obligation, même à l'encontre d'une opinion publique générale en Norvège, de chercher à maintenir intactes les bases fondamentales de l'Union.

Les lois que j'ai jurées de respecter et le bien des Royaumes-Unis m'ont dicté la décision que j'ai prise relativement à la question

Consulaire, mais le Conseil s'y est opposé non seulement par un refus de la contresigner, mais en offrant sa démission. Lorsque j'ai déclaré que : "Ne voyant pas pour le moment la possibilité de former un autre Gouvernement, je n'acceptais pas la démission du Conseil," les Ministres ont formulé la menace que tout Norvégien qui prêterait son concours à ma décision serait dès ce moment sans patrie. Je fus donc placé dans l'alternative soit de rompre le serment que j'ai prêté au Riksakt ou de me trouver sans Conseil. Je ne pouvais hésiter sur la décision à prendre.

Ainsi, après avoir cherché, contrairement aux dispositions de la Loi Fondamentale, à rendre nulle une décision légalement prise par le Souverain, les membres du Conseil, en déposant leurs mandats auprès du Storthing, ont laissé le Roi sans Conseillers. Le Storthing a approuvé cet attentat à la Constitution et par un acte révolutionnaire il a déclaré que le Roi légitime de Norvège avait cessé de régner et que l'Union avec la Suède était dissoute.

Il appartient à la Suède et à moi, comme Roi de l'Union, de décider si l'attentat entrepris contre l'Union aura pour suite la dissolution légale de cette Union.

Le jugement des contemporains et de l'histoire décidera entre moi et le peuple Norvégien.

OSCAR.

REPLY of the Storthing to King Oscar's Letter, justifying its action regarding the Dissolution of the Union.—Christiania, June 20, 1905.

YOUR MAJESTY,

THE Storthing of Norway respectfully begs to address your Majesty, and through your Majesty the Riksdag and people of Sweden, as follows :—

What has now been happening in Norway is the inevitable result of a combination of political events of late, and cannot be altered ; and, as it is certain that neither of the two peoples is desirous of returning to the former condition of Union, the Storthing is of the opinion that it ought not to reconsider the various questions of Constitution and public law that have been brought up in your Majesty's note to the Storthing's President in connection with the Resolutions adopted, and on which the Storthing and Government have formally expressed themselves in detail. The Storthing recognizes fully your Majesty's difficult position, and has never for a moment doubted that your Majesty's decisions are in accordance with what your Majesty has regarded as being the rights

and duties of the Crown ; but the Storthing is desirous of addressing an appeal to your Majesty and to the Riksdag and people of Sweden with the object of contributing to the peaceful carrying through of the dissolution of the Union and the safeguarding of friendship and concord between the two peoples of the peninsula.

The Storthing has seen, from the expression of opinion in Sweden, that the Resolution which the Storthing felt it its duty to the Fatherland to adopt in declaring the Union between the two kingdoms dissolved has in form and action been considered mortifying to Sweden. That has never been the intention. What has happened, and had to happen, in Norway was merely the inevitable maintenance of Norway's constitutional rights. The Norwegian people never intended to assail Sweden's honour. As your Majesty in Council of the 26th May declared yourself unable to sanction the Storthing's unanimous Resolution for the establishment of a separate Norwegian Consular Service, and as no Norwegian Government could be obtained by your Majesty, the constitutional state of Norway was so far disjointed that the Union could no longer be maintained. Upon the Storthing of Norway was therefore imposed the necessity of procuring without delay a Government for the country. Every other course was closed, and all the more so as your Majesty's Swedish Government had on the 25th April already explicitly declined to enter upon new negotiations, with the dissolution of the Union as an alternative, in the event of its being found impossible to arrive at an agreement with regard to a new form of Union.

The Storthing has already stated that the Norwegian people does not feel any bitterness or animosity towards your Majesty or the Swedish people. Statements to the contrary which may possibly have been uttered on a few occasions have, wholly and solely, been grounded on dissatisfaction with the position of Norway in the Union, and, as that source of bitterness and animosity would disappear with the dissolution of the Union, its effects will also vanish. A ninety years' co-operation in material and intellectual labours has awakened in the Norwegian people feelings of sincere friendship and sympathy with the Swedish people. These feelings will, with Norway no longer occupying a position offensive to her national independence, once more grow apace, and insure and enhance mutual understanding between the peoples.

In the belief that the Swedish people shares in these views, the Storthing suggests to the constitutional authorities of Sweden that they should enter upon the negotiations which are required for the final settlement on the dissolution of the Union and the recognition of Norway's new status and of her rights as a Sovereign State. The Storthing is itself prepared to meet every fair and reasonable wish

that may be put forward to safeguard the kingdom's independence and integrity. Constitutionally the two peoples will henceforward be separate; but the Storthing is fully convinced that this will lead to the development of a good and trustful relationship for the defence of mutual interests. If a future settlement can be attained without prejudice and without bitterness, the Storthing is convinced that what has happened will prove to be for the lasting welfare of the northern peoples. For the sake of the north the Storthing addresses this appeal to the people who, by their magnanimity and chivalry, have attained for themselves such an eminent place among nations, and with whom the Norwegian people desires most sincerely to maintain good relations.

SPEECH of King Oscar at the Opening of the Swedish Diet summoned to consider the action of Norway with regard to the Dissolution of the Union.—Stockholm, June 21, 1905.

(Translation.)

GOOD SIRS AND MEN OF SWEDEN,

MORE than ten years have passed since I summoned you, representatives of the Swedish people, to an extraordinary meeting of the Diet. The occasion then was a matter affecting the internal politics of the country.

Very different is the reason which has compelled me to invite you again to assemble so soon after the prorogation of the ordinary Session of the year, and to set aside all other public and private business.

To my regret, the kingdom which has been united to Sweden by a legal bond for nearly a century has taken measures to free herself from the Union, against my will and in defiance of solemn engagements. Charges have been made that these measures are due to my non-observance of the Constitution. But I have acted according to my conscience, and I am convinced that all who judge the matter impartially will support me, and will consider that my action has not only been entirely within the limits of the Constitution, but has, moreover, been dictated by an upright and honest regard for the true interests of both kingdoms.

What has taken place, nevertheless, constitutes not only a violation of my rights as King of Norway, but likewise aims at breaking up the conventional Union which exists with Sweden. The Swedish people are thus most closely affected, and under the circumstances I have, as in duty bound, lost no time in summoning you, in order that you may have an opportunity of considering with

me the action which must be taken on account of the Resolution of the Storthing, and of adopting the measures which may best be adapted for obviating consequences prejudicial to Swedish interests.

Accordingly, the proposal which I lay before you does not lie in the direction of meeting illegality with forcible measures. Whatever the value of the Union for the security of the Scandinavian nations may be, it is not worth the sacrifices which a policy of coercion would entail. A union forced upon Norway by such methods would in truth be of little advantage to Sweden.

No; may the Swedish people let themselves be guided by a wise self-control, and may God grant Sweden strength and unity sufficient to recover within her own frontiers what she has lost through the dissolution of the Union.

In calling down the blessing of God upon you and your labours, I remain ever favourably disposed to you, good Sirs and Swedish men, with all Royal grace and favour.

ADDRESS of the Swedish Diet to King Oscar respecting the Dissolution of the Union with Norway, and the Measures to be adopted in consequence thereof.—Stockholm, July 28, 1905.

(English version.)

THE Norwegian Storthing having on the 7th June passed a Resolution to the effect that the Members of the Norwegian State Council were authorized, as Government of Norway, to exercise until further the powers vested in the King, and that in connection therewith the Union with Sweden under the same King had been dissolved, the Swedish Chambers were summoned on the 9th June to meet in Extraordinary Session, in order to be consulted with regard to the steps and measures to be taken by Sweden in consequence of what had thus occurred.

The Chambers met on the 20th June, and have presented their humble address to His Majesty the King on the 28th July.

The address begins with a rendering of the wording of the proposal submitted to the Chambers by the Government, and proceeds as follows:—

The proposal of your Majesty's Government gives an account of the questions which, during the existence of the Union, have arisen with regard to its constitutional bearings. It has, however, seemed expedient to the Riksdag, as the question of the dissolution of the Union has now been raised by Norway, to place on record not only the points in conflict, but also the material importance of the Union.

The union between Sweden and Norway, which Norway is now trying to sever, was, after its sanction in the autumn of 1814, pronounced by the President of the Extraordinary Storting to have been happily effected by a mutual solicitude for the honour and welfare of the two countries. There can be no doubt that Norway has derived great benefits from the union.

By the Treaty of Peace concluded at Kiel on the 14th January, 1814,* Norway was liberated from a position closely resembling that of a province under the Danish autocracy, and was guaranteed the position of a kingdom united with Sweden; by the Agreements concluded during the years 1814 and 1815 Norway obtained the free and independent position in the Union under one King with Sweden, which she has since occupied, and which has been further extended.

When the union with Sweden was made, the situation of Norway was very precarious. Fettered to the politics of Denmark, whose action was largely dictated by other motives than those inspired by the interests of Norway and of the Scandinavian Peninsula, Norway had, in the year 1808, been forced into an aggressive war with Sweden. This war, caused by the political game of the Great Powers, had weighed heavily on Norway. Fresh hostilities with Sweden in 1814 had made matters still worse, so that when the union was accomplished the resources of the country were nearly drained, the National Debt excessive, and the credit of the country exhausted.

The union gave Norway the opportunity to heal her many and deep wounds. She obtained peace with the outside world, and the risk of her being dragged into conflicts outside the Scandinavian Peninsula was very essentially diminished. The extended frontier towards Sweden, which during centuries had been the scene of Norway's battles, was now protected from feuds, and in regard to other border questions that arose she had the advantage of Sweden's support. Norway could thus, in consideration of her depressed financial condition and her altered position in regard to political events involving war, reduce her army in 1816 to nearly half of what it had been before the union.

Thanks to this security from outward danger the country was able to concentrate its energies on the amelioration of its resources. Even in this respect the support of Sweden became of great importance. Thus, already in 1815, in accordance with a request from the Storting, was commenced the legislation based on reciprocity, which has since been developed in many branches of industrial life and which, owing to the fact that Sweden is the richer country of the

* Vol. I, page 194.

two, has been of greater value to the Norwegians than the corresponding Norwegian stipulations could be to the Swedes. Likewise during the same year 1815, and pursuant to a wish expressed by Norway, began the endeavours to obtain from foreign Powers for Norwegian ships and goods the same treatment as was granted to Swedish. It was owing to these endeavours that England, in 1826, was persuaded to grant Norwegian ships the right of carrying Swedish produce to British ports—a privilege which, according to Norwegian testimony, constituted the turning point in the history of Norwegian navigation. It was from that moment that the merchant fleet, which had been steadily decreasing since 1814, entered into the era of magnificent development it has now, as is well known, attained. On other occasions also, when joint Treaties have been made with foreign Powers, special consideration has been given to the navigation of Norway. The Government Bill quotes the fact that during the first decades of the Union the Norwegian commercial shipping in the Mediterranean and other waters, rendered insecure by the Barbary pirates, could only navigate these waters under the protection of the Swedish flag, whereas Norway's pecuniary contribution to the costs occasioned by the protection of trade in these waters was not proportionate to what might be considered adequate. With regard to other joint expenses the case has, in many instances, been the same.

The material benefits Norway has derived from the union have thus been important. An examination of Norway's grievances regarding the Union shows that these grievances do not refer, on the whole, to cases where Norwegian interests have been materially set aside. This is also the case with the complaints regarding the direction of foreign affairs, which have lately taken such a prominent place in the differences between the two countries.

In regard firstly to the conduct of diplomatic affairs, no facts can be adduced showing that Norwegian material interests have suffered by the way in which these affairs have been dealt with. It has sometimes been stated that such neglect occurred in the treating of the well-known "Bodö affair" in 1819–21, but later Norwegian historical researches have proved this allegation to be unfounded. During the crisis in the sixties the Norwegian Government thus declared in its well-known declaration of principles of the 21st October, 1861, that with regard to diplomatic affairs, however desirable it would be for Norway to gain a more complete recognition of the principle of equality, together with due constitutional guarantees, there were nevertheless predominating reasons to leave the question pending, "the more so, as it must be acknowledged that the questions concerning foreign relations, when not taking into account certain formal defects, had generally been treated, as far as Norway is

concerned, in a way that did not give cause for any dissatisfaction." This statement was repeated in 1871 by the Norwegian Constitutional Committee, as its own opinion, in the report in which it discarded the proposition of the second Union Committee, proposing certain amendments. According to the notable Decree of 1835 the Norwegian Minister of State in Stockholm has a seat in the Council when diplomatic questions regarding the relations of the United Kingdoms or of Norway alone to foreign Powers are reported on; and furthermore, during the development of the Union, the original stipulations with regard to the diplomatic affairs were altered in such a way as to allow Norwegians to be employed in the Foreign Office and in the Legations abroad, besides which special Decrees established that many important matters connected with foreign affairs, such as the Foreign Office Budget and the ratification of Commercial Treaties and Conventions with foreign Powers, &c., were henceforth to be dealt with in a so-called "Mixed Council" and were thus decided under Norwegian constitutional responsibility. In laying before the Council all diplomatic affairs specially concerning Norway the opinion and advice of the competent Norwegian Department have, in accordance with this decision of 1835, always to be taken.

The proposal of your Majesty's Government contains a reference to the alteration in the Swedish fundamental law made in 1885 concerning the manner in which the diplomatic affairs were to be dealt with. It will be seen that the decision then adopted, viz., that these matters should be prepared "by the Minister for Foreign Affairs," as the King might decide, implied merely an elucidation of the law-giver's original ideas in this respect, and was in full accordance with the usages hitherto followed. The Chancery Regulations of the 26th October, 1809, had given the Minister of State for Foreign Affairs such authority with regard to the preparation of diplomatic affairs. The fact that a second member of the Swedish Council, that is, the Swedish Minister of State, whose office had been created a short time previous to the above-mentioned alteration of the fundamental law, was admitted into the Council for the treatment of diplomatic questions, of which the Norwegian Minister of State was already a member since 1835, did not alter the constitutional responsibility to which the Ministers present are subject, nor did it in any way involve any diminishment of position to the Norwegian Minister of State as a member of that Council.

The Government Bill bears also witness that repeated offers have been made on the part of Sweden to Norway of a larger share in the management of diplomatic affairs, but have been mostly rejected by Norway.

The later phases which the Consular question has passed through

are sufficiently known to render special reference to them here unnecessary. As in the case of the management of diplomatic affairs, so has Norway also been admitted, during the successive phases of the Union, to an increasing share of influence in the management of Consular matters. Thus, whilst during the earlier years of the Union all Consular matters were decided in the Swedish Council, most of these have gradually come to be dealt with in the Mixed Council, that is to say, in the presence of both Swedish and Norwegian Councillors, until finally, by the Consular Regulations of the 4th November, 1886, it was decided that all Consular matters concerning both countries submitted to the decision of the King should be dealt with in this Mixed Council, whereas Consular questions regarding Sweden alone should be dealt with by the proper Swedish authority, and those regarding Norway alone by the Norwegian. The practical effect of this is proved by what the Consular Committee of 1902 had to say on the subject. After giving a summary of the functions which, in the opinion of the Committee, constitute the essential duties of a Consul, the Committee shows that all cases resulting from the exercise of these functions were exclusively dealt with by the Swedish or by the Norwegian authority according to their nature, and that, as far as regards Norway, "the Norwegian Department already exercises full control and instructive powers over the Consuls in regard to most of the matters concerning Norway." It may be added that the Consular Regulations of 1886 were approved and adopted by the Norwegian Ministry. Norwegians have been employed in Consular posts from the very first days of the Union and of late in increasing numbers. Thus at the end of last year more than half the paid Consulates were occupied by Norwegians. It is hardly necessary to repeat that Sweden has declared her willingness to adopt any reforms in the present Consular Service found necessary, and also to grant the establishment of separate Consuls for Norway, and that it has been admitted by competent Norwegian authorities that the Norwegian shipping has been equally well served by the Consuls of Swedish nationality as by those born Norwegians.

In spite of all the alterations which the Consular Service has undergone since the establishment of the Union, in one respect it has been maintained unchanged, namely, in this respect, that the Minister for Foreign Affairs has retained the supreme management of all Consular matters, in so far as they concern the relations to foreign Powers. The Minister of State for Foreign Affairs was, according to the Chancery Ordinance of 1809, the head of the Chancery Administration, which Administration, together with the Board of Trade, had to deal with Consular affairs, as well as with matters of convoy in the Barbary States connected with the

Consulates. The obligation of Consuls to receive instructions from the Minister of Foreign Affairs and the Legations abroad was unconditional, and the instructions given to the Board of Trade on the 4th April, 1831, obliged that Department not to register in the Board's books, but to forward to the Minister for Foreign Affairs all letters from Consuls containing information or remarks with reference to the political relations of the kingdom with foreign Powers, or referring to subjects the publication of which might cause dissatisfaction to these Powers. On the reorganization of the departmental administration in 1840 it was prescribed that the Consuls should be subordinated to the Foreign Office, and this subordination has been since confirmed by the Consular Ordinances of 1858 and 1886, both of which were prepared by Union Committees. The necessity of maintaining the control of the Foreign Office over all questions concerning the relations with foreign Powers and the supreme direction of Consular affairs was not less peremptorily insisted on by the Norwegian majority in the Union Committee of 1895-8, which declared that "Norway has, as well as Sweden, a valid claim that its relations to foreign Powers should not be disturbed by any improper act of a Consul belonging to the other country, and desires therefore that, in order to prevent abuse, the Consuls of both countries be placed under a control and leadership common to both."

It has been in complete accordance with this principle that during the negotiations concerning the establishment of separate Consular Services, the Swedish negotiators claimed that the separate Consuls proposed should be in duty bound to obey the instructions given them by the Minister for Foreign Affairs in matters concerning his Department. The validity of this principle was in a certain measure recognized by the Norwegian negotiators, when they agreed that, in certain urgent matters of this nature, the Minister for Foreign Affairs should be authorized to give the separate Consuls instructions. They refused, however, to support the proposals made by Sweden that the Minister for Foreign Affairs should have the right to control that his instructions had been carried out. This admission that the Minister for Foreign Affairs should have the right in certain cases to give warning to the separate Consuls was contested in the Report of the Norwegian Special Committee of 1905, and described as unnecessary, unfortunate, and incompatible with the position of these Consuls as exclusively Norwegian officials. This Committee went so far as to consider that it would be contrary to the Norwegian fundamental law to regulate, as proposed, the action of the Consuls by joint and uniform laws which could not be repealed unless by common consent.

Sweden has thus never refused to reform the Consular Service

or allow the establishment of separate Consuls for Norway, but was simply opposed to the Norwegian claim that these Consuls should, even in reference to matters concerning the relations of the two kingdoms to foreign Powers, be without the effective control of the Minister who is responsible for the direction of foreign affairs.

The principal object of Sweden in establishing the Union was to obtain a safe frontier to the west. History shows that this frontier was repeatedly attacked from the Norwegian side while Sweden was engaged in war to the east. It was therefore a peremptory condition on the part of Sweden, in concluding the Union, that the political relations of Norway towards foreign Powers should be exactly the same as those of Sweden, as also that the organized powers of defence of the two kingdoms should be at the entire disposal of the Union-King for repulsing attacks on the Scandinavian Peninsula.

This object of Sweden's was attained. The foreign policy of the Scandinavian Peninsula became common to both countries, and the security was obtained that no influences from abroad should in future in their own interests try to play out one country against the other. Thus Sweden needed no more concern herself with the defence of her western frontier than Norway of her eastern. The defensive powers of the two kingdoms could thus be disposed of for the common defence of both. When the conditions of the Union were being framed, the Norwegian claim that the natural right of the Supreme Commander to use the common forces for the defence of the Peninsula should be limited to only a part of the regular Norwegian army was therefore rejected.

The Government Bill establishes how little this condition of the Union of 1814 has since been maintained by Norway, and how, especially by the Norwegian Army Law of 1885, the organization of the Norwegian army underwent such changes that the contingent at the disposal of the Union now hardly constitutes one-half of the regular army, and consists, besides, not of the best trained part of the army.

In the course of her development the aim of Norway has been throughout to weaken or destroy the outward unity of the two kingdoms. The danger in this respect resulting from separate Consular Services, such as Norway wished to constitute them, has already been sufficiently shown; but it is a well-known fact that the Norwegian intentions were not limited to this service, but were meant to be extended to separate diplomacy and separate Minister for Foreign Affairs. It is evident that Sweden was bound to resist this claim, which, had it been carried out in the Union, would have obliged Sweden, who has to bear the greater share of the burden of the defence of the Peninsula, to accept the risk of being led into a foreign policy over which it would have no due influence.

The factor which would, under such circumstances, constitute a binding and equalizing element in a Union, namely, the Sovereign of both kingdoms, has in fact, in the Swedish-Norwegian Union, as a result of the Norwegian Constitution, not sufficient power to insure this unity outwardly and the necessary co-operation for the common defence. The Norwegian Army Law of 1885, by which the common defence was deprived of a large portion of the Norwegian contingent, as also the erection during late years of forts facing the Swedish frontier, are convincing proofs. The spirit in which Norway has during late years met the repeated requests of the Sovereign of the Union that matters concerning the Union should be settled by mutual agreement afford further evidence of a like nature, and need not here be more specially entered into.

The circumstances above referred to are undeniable proofs that there has been no lack of conciliatory spirit on the part of Sweden when it was the question of maintaining the bond uniting the two kindred nations of the Scandinavian Peninsula.

Many have been the attempts made by Sweden to preserve and strengthen the Union. The last effort was made when His Royal Highness the Crown Prince, as Regent of the Union, supported by the Swedish Council, on the 5th April, 1905, urged the two countries to immediately open free and friendly negotiations in view of a new settlement of all matters concerning the Union on the basis of full equality between the countries. This offer was rejected by Norway.

Although the offer was repeated in the decision of the Riksdag on the 3rd May, 1905, Norway chose, without previously making any proposals to Sweden with reference to a dissolution of the Union or expressing any desire to that effect, to adopt revolutionary means. Heedless of the Norwegian fundamental law, and by a breach of the Act of Union, the Storthing on the 7th June, 1905, decided that the King had ceased to act as King of Norway, and that consequently the union with Sweden was dissolved. Against this decision the Riksdag enters a formal protest.

By the declaration of the Storthing the Union is *not* dissolved; it cannot be dissolved without the consent of the King of Sweden and the Swedish Riksdag.

In certain Bills laid before the Riksdag it is maintained that Sweden should not give her consent to the dissolving of the Union before the Norwegian people should have had an opportunity of declaring their will either, as one mover proposes, by the election of a new Storthing, or, as it is suggested by another, by a *referendum* to the people. The Riksdag considers that in a matter of such importance as that of the maintenance or dissolution of the Union a surer expression of the will of the Norwegian people must be

obtained than that which is to be found in the decision of the Storting of the 7th June, 1905.

Which of the proposed modes for giving the Norwegian people an opportunity of signifying their will in the matter should be chosen must, in the opinion of the Riksdag, be left to Norway to decide. But it is clear to the Riksdag that no action must be taken on the part of Sweden for dissolving the Union, or for recognizing the political situation in which Norway has placed herself, before the Norwegian people have had an opportunity of expressing categorically their wishes in the matter. If the people pronounce in favour of dissolving the Union, Norway should make a demand to Sweden to that effect. If such a demand be made, and it be shown that an agreement satisfactory from the Swedish point of view can be attained as to the conditions which Sweden must demand for recognizing Norway as a State separated from the Union with Sweden, the Riksdag considers that Sweden should be prepared to consent to the repeal of the Riksakt and the dissolution of the Union.

By eventual negotiations in regard to this question what Sweden's welfare and dignity require must be firmly and energetically pursued.

It must be a matter of the gravest consideration for both countries that, if the Union is dissolved, peace should be maintained between them in future. Nothing ought therefore to be allowed to exist which either country may consider as constituting a menace against it. An agreement ought therefore to be arrived at by which such measures in future should be abolished. These considerations, which apply with equal force to both countries, and result more especially from the fact that Norway has of late years raised fortifications in the vicinity of the frontier, render it necessary that Sweden shall insist, before repealing the Riksakt and recognizing Norway as a State separated from the union with Sweden, that a zone be established on either side of the south part of the frontier within which the forts recently erected be no longer maintained nor others erected.

Furthermore, a necessary condition for the recognition as aforementioned would be that the rights the Swedish Laplanders now enjoy to cross the frontier with their herds of reindeer into Norway be unequivocally defined.

Although the consideration of mutual advantages ought easily to lead to agreements in matters of mutual interest, it seems preferable that such agreements should be arrived at previously to a dissolution of the Union as to a protection against possible prohibition or unjust taxation of transit goods from one country to another, or undue limitation of the right of the inhabitants of one

country to use the watercourses running partially through the other.

Such questions as only concern the winding-up of situations that cease to exist or are altered by a dissolution of the Union need not be finally dealt with beforehand.

The question as to whether Sweden and Norway should conclude a Treaty of Arbitration in some form or other will have to be considered, but the Riksdag does not deem it necessary that this question should be put forward by Sweden in connection with an eventual dissolution of the Union.

It is natural that, in dissolving the Union, the relations of Sweden with foreign Powers, in so far as these have been regulated by Treaties between the United Kingdoms and such Powers, be taken into proper consideration. The Riksdag desires, in regard to this matter, only to impress that the legal position of Sweden, from an international point of view, be made perfectly clear, so that no doubt may arise in future as to the Treaty rights or obligations of Sweden and of her perfect freedom in regard to these as applying to Norway.

In consideration of the importance of the matter, the Riksdag cannot recommend that, as has been proposed by your Majesty's Government, your Majesty's Government should be authorized to conclude a conditional Agreement regarding the matter, the adjustment of which may be considered necessary in case of a dissolution; but the Riksdag declares that it has no objection to enter into the above-mentioned negotiations with Norway, provided that a demand for the repeal of the Riksakt and the dissolution of the Union be made by Norway in the way indicated by the Riksdag.

As regards the motions presented to the Riksdag that the Riksdag may for certain purposes place at the disposal of your Majesty's Government a sum of 100,000,000 kronor, the Riksdag considers that, although measures should be taken with a view of rendering such a sum available, it does not seem to be absolutely necessary that the amount should be immediately placed at the disposal of your Majesty's Government, as your Majesty's Government has already at its disposal considerable means for such purposes. The sum should be rendered available to be paid to your Majesty's Government in larger or smaller sums after a decision of the Riksdag. Arrangements should be made, however, that the amount be immediately available to be used, if necessary, by decision of the Riksdag. The Public Debt Office is therefore authorized to render immediately available the required sum on conditions which the Commissioners of the Public Debt will have to decide, either by arranging an open credit or by loan.

It does not seem necessary to make any provisional grant to

cover expenses incurred in rendering this sum immediately available; but the Public Debt Office will, should the money have to be advanced, report to the Riksdag at its next Session.

In reference to what has been thus set forth the Riksdag, in declaring that the proposal of your Majesty's Government cannot be accepted in the form in which it has been presented to it, decides that if the Storthing, after new elections, should make a demand regarding the repeal of the Riksakt and the dissolution of the Union, or if Norway makes such a demand after the Norwegian people have been consulted and pronounced in favour of the dissolution of the Union, the Riksdag sees no objection to negotiations to that effect being entered into, and authorizes, in accordance with motions presented, the Public Debt Office to hold in readiness a sum of 100,000,000 kronor, which shall be obtained either by arranging an open credit or by loan, on such conditions as the Commissioners of the Public Debt may decide, the said sum to be available after decision of the Riksdag for such measures as may be deemed necessary in connection with the circumstances which have occasioned the summoning of the Riksdag in the present Extraordinary Session.

SPEECH of King Oscar on Closing the Session of the Swedish Diet, with reference to the Dissolution of the Union with Norway.—Stockholm, October 18, 1905.

(Translation.)

GOOD GENTLEMEN AND MEN OF SWEDEN,

It is a moment of grave import at which I raise my voice in this Hall of State.

The Union, established in the year 1814, between the two peoples of the Scandinavian peninsula, who had in the previous centuries been parted, is broken, and the Swedish Riksdag has, by its Resolution at the sitting on the 16th of this month, approved my proposal to dissolve it.

In truth it is not without deep pain that I see a return to the separation which formerly existed between the two kindred nations, and a possibility that the difficulties and dangers which by a union well nigh a century old seemed for ever removed, may once more revive. I will not, however, refrain from expressing the hope that, although the political union unfortunately no longer subsists, an enduring peace between the Swedish and Norwegian peoples may nevertheless be maintained in future for the safety and happiness

of both, and I am convinced that good ground for such hope is afforded by the Agreements with Norway which I now by my proposal have approved.

In this hour I must publicly express, and not without deep emotion, my warm and heartfelt thanks for all the loyalty and all the affection, which the noble Swedish nation has shown me during the period which has elapsed since the 7th June last. The memory of this will not only be treasured in my heart until the last hour of my life, but it will also encourage me continually to exert such strength as still remains to me at my advanced age for the good of the country and the people who have shown me such loyalty and love.

I hereby declare the Extraordinary Session of the Diet closed, and remain, good gentlemen and men of Sweden, in all Royal grace and favour, steadfast to you.

KING OF SWEDEN'S RESCRIPT addressed to the President of the Norwegian Storting, renouncing the Crown of Norway on behalf of himself and any member of his family.—Stockholm, October 26, 1905.

(Translation.)

Now that I have on behalf of Sweden recognized Norway as a State severed from union with Sweden, I make the following communication as regards my own position towards Norway and the occurrences connected with the Resolution of the Storting of the 7th June last.

I hereby express my decision to abdicate the Norwegian Crown, which, in despite of my upright intentions, has during the past year brought me so much bitterness, and which, moreover, I could not for the future wear to any good purpose, seeing that by a Resolution of the Storting in conflict with the law the Royal prerogative of suspensory veto has been set aside.

Nevertheless, in truth, I wish only the good of that land and people which I have from my early youth always sincerely loved, and whose prosperity it has always lain near my heart to promote in so far as this object could be combined with the fulfilment of my duties as King over both realms of the Scandinavian peninsula.

Having regard to the direction which the relations between the two peoples have taken, I cannot believe that it would be advantageous either for Sweden or for Norway that any member of my family in the direct succession should accept election as King in Norway. Mistrust and suspicion would be sure to arise in both countries, and

would fall upon him as well as myself. Thereby might easily be disturbed the more friendly feelings which will, I hope, for the good of both nations, in no long time be once more restored in order to preserve the peace between the two—from henceforth divided—realms of the Scandinavian peninsula. I therefore declare that I am unable to accept the proposal made by the Storthing.

To those who have served me with fidelity in Norway during my reign of thirty-three years, and who still retain any affection for their former King, I send my heartiest thanks and my sincerest good wishes.

Palace of Stockholm, the 26th October, 1905.

NOTE of the Swedish Government announcing the Dissolution of the Union between Sweden and Norway, and the King's Renunciation of the Norwegian Crown.—Stockholm, October 26, 1905.

M. LE MINISTRE,

Stockholm, le 26 Octobre, 1905.

A LA suite des événements du 7 Juin dernier en Norvège et de la décision, qu'ont prise les pouvoirs publics en Suède, de donner, sous certaines conditions destinées à sauvegarder l'honneur et les intérêts de la Suède, leur consentement à la dissolution de l'Union existant depuis 1814 entre les deux pays, des négociations eurent lieu à Karlstad en vue d'amener une entente au sujet de ces conditions et de poser ainsi pour l'avenir, en écartant autant que possible toute cause de malentendu, une base solide et durable des rapports entre les deux pays.

Cette entente ayant été établie, et le Parlement Suédois ayant, sur la proposition du Roi, consenti, pour ce qui concerne la Suède, à l'abrogation de l'Acte d'Union de 1815 et à la dissolution de l'Union, le Roi vient de promulguer une Loi portant l'abrogation du dit Acte d'Union et de reconnaître la Norvège comme État complètement séparé d'avec la Suède. En même temps Sa Majesté a renoncé, pour elle et pour sa Maison, à la Couronne de Norvège.

En ajoutant que le Ministre du Roi à Londres a été chargé de porter ce qui précède à la connaissance du Gouvernement Britannique, je saisis cette occasion, &c.

Sir R. Rodd.

F. CL:SON WACHTMEISTER.

*CONVENTION between Sweden and Norway for the Settlement of Differences by Arbitration. — Signed at Stockholm, October 26, 1905.**

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède; et

M. Thor de Ditten, Plénipotentiaire de la Norvège;

S'étant réunis en vue de convertir en Convention formelle le projet de Convention concernant le règlement de différends par arbitrage, approuvé par le Riksdag Suédois le 13 Octobre, 1905, et par le Storting Norvégien le 9 Octobre, 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les Articles qui suivent:—

ART. I. Les deux États s'engagent à soumettre à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899,† à La Haye, les différends qui viendraient à se produire entre eux, et qui n'auraient pu être réglés par des négociations diplomatiques directes, à la condition toutefois qu'ils ne mettent en cause ni l'indépendance, ni l'intégrité, ni les intérêts vitaux de l'un ou de l'autre des États respectifs.

II. En cas de divergence sur le point de savoir si le différend qui se sera produit met en cause les intérêts vitaux de l'un ou de l'autre des États, et de ce chef doit être compris parmi ceux qui, aux termes de l'Article précédent, sont exceptés de l'arbitrage obligatoire, la dite divergence sera soumise à la Cour d'Arbitrage susnommée.

III. La présente Convention recevra son application, même si les différends qui viendraient à se produire avaient leur origine dans des faits antérieurs à sa conclusion, mais elle ne s'appliquera pas aux différends relatifs à l'interprétation ou à l'application de Conventions contenant une clause spéciale d'arbitrage, et, par conséquent, pas aux différends relatifs à l'interprétation ou à l'application des Conventions conclues à l'occasion de la dissolution de l'union entre les deux États.

IV. Lorsqu'il y aura lieu à un arbitrage entre eux, les deux États, à défaut de clauses compromissoires contraires, se conformeront, pour tout ce qui concerne la désignation des Arbitres et la procédure arbitrale, aux dispositions établies par la Convention du 29 Juillet, 1899, sauf en ce qui concerne les points indiqués ci-après.

V. Aucun des Arbitres ne pourra être sujet de l'un ou de

* Signed also in the Swedish and Norwegian languages. See also *Procès-verbal*, page 830.

† Vol. XCI, page 970.

l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

VI. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme avant l'expiration duquel devra avoir lieu l'échange entre les deux États des Mémoires et documents se rapportant à l'objet du différend. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

Ces dispositions ne portent aucune atteinte à ce qui a été arrêté par la Convention de La Haye du 29 Juillet, 1899, concernant la seconde phase de la procédure arbitrale (Article XXXIX), notamment pas aux dispositions des Articles XLIII à XLIX.

VII. S'il y a lieu, la sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

VIII. La présente Convention aura la durée de dix ans, à partir du jour de la signature, et sera prolongée pour une nouvelle période de la même durée si elle n'est pas dénoncée par l'un ou l'autre des États au moins deux ans avant l'expiration de la période décennale.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CL:SON WACHTMEISTER.

(L.S.) v. DITTEN.

CONVENTION between Sweden and Norway for the Establishment of a Neutral Zone and for dismantling Fortifications.
—Signed at Stockholm, October 26, 1905.*

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède ; et

M. Thor de Ditten, Plénipotentiaire de la Norvège ;

S'étant réunis en vue de convertir en Convention formelle le projet de Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, &c., approuvé par le Riksdag Suédois le 13 Octobre, 1905, et par le Storting Norvégien le 9 Octobre, 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les Articles qui suivent :—

ART. I. Afin d'assurer des relations pacifiques entre les deux États, il sera établi, des deux côtés de la frontière commune, un territoire (zone neutre) qui jouira des avantages d'une neutralité perpétuelle.

* Signed also in the Swedish and Norwegian languages. See also *Procès-verbal*, page 830.

Cette zone sera limitée comme suit :

Du côté Suédois par une ligne de démarcation partant de la pointe septentrionale du Nordkoster et formant une succession de lignes droites passant par : la pointe méridionale du Norra Långö, l'extrémité nord-est du lac de Färingen, l'extrémité nord-est du Lursjön, l'embouchure du fleuve de Kynne dans le Södra Bullaren, l'extrémité sud-est du Södra Kornsjön, l'extrémité sud du Stora Le, l'extrémité ouest de l'Oguesjön, l'extrémité sud du Lysedstjärn, l'extrémité sud du Svalsjön, l'extrémité sud du Nässjön, l'extrémité sud du Bysjön, l'extrémité nord-ouest du lac de Kymmen, l'extrémité nord-ouest du Grunnsjön, l'extrémité nord-ouest du Kläggen, l'extrémité nord du Mängen, l'extrémité ouest du Bredsjön, jusqu'au point où la rive droite du Klarälfven coupe le 61^e parallèle ;

Du côté Norvégien par une ligne de démarcation allant, en ligne droite, par le Kirkö, en touchant la pointe nord-ouest du Singleö à l'église d'Ingedal et, de là, formant une succession de lignes droites passant par : l'église de Rokke, la pointe située sur la rive nord de l'embouchure du cours d'eau de Fredrikshald dans le Femsjö, l'embouchure dans l'angle nord-est du Femsjö, du ruisseau passant près de la ferme de Röd, l'extrémité est du Klosatjern, l'extrémité est du Grefslivand (au nord de l'église de Hærland), la pointe s'avancant dans l'Ogderensjö au sud-ouest de Kraaktorp, le détroit entre le Mjermen et le Gaasefjord, l'Eidsdammen, l'extrémité sud-ouest du Dyrerudtjern (à l'extrémité nord du Liermosen), l'église d'Urskog, l'extrémité sud du Holmtjern, l'angle sud du Digersjö, l'extrémité nord du Skasensjö, l'extrémité est du Nordre Flögensjö, jusqu'au point où l'Ulvaa coupe le 61^e parallèle.

Dans la dite zone sont compris les îles, îlots et récifs, mais non pas les parties de la mer elle-même avec ses golfes, qui se trouvent dans les limites de la zone.

La neutralité de la dite zone sera complète. Il sera donc défendu à chacun des deux États de faire dans cette zone des opérations de guerre, de s'en servir comme point d'appui ou comme base d'opérations de ce genre et d'y faire stationner (sauf l'exception prévue par l'Article VI) ou concentrer des forces militaires armées, sauf celles qui pourraient être nécessaires pour le maintien de l'ordre public ou pour porter secours en cas de sinistre. Si, dans l'un des États, il existe, ou si plus tard il y est construit, des chemins de fer passant par une partie de la zone neutre de cet État dans une direction essentiellement parallèle à l'axe longitudinal de celle-ci, les présentes dispositions ne s'opposeront pas à l'emploi de ces chemins de fer pour les transports militaires de passage. Elles ne s'opposeront pas non plus à ce que des personnes, domiciliées dans la partie de zone de l'un des États et qui appartiennent à l'armée

ou à la flotte, s'y réunissent pour être dirigées sans retard hors de la zone.

On ne pourra conserver dans la zone neutre, et on ne pourra y établir à l'avenir, ni fortifications, ni ports de guerre, ni dépôts de provisions destinés à l'armée ou à la flotte.

Toutefois, ces dispositions ne seront pas applicables au cas où les deux États se porteraient secours dans une guerre contre un ennemi commun. Si l'un des deux États se trouve en guerre avec une tierce Puissance, elles n'engageront pas non plus, pour la partie de la zone qui appartient à chacun d'eux, ni celui qui se trouve en guerre, ni l'autre, en tant qu'il s'agit pour celui-ci de faire respecter sa neutralité.

II. En vertu des dispositions précédentes, les fortifications qui se trouvent actuellement dans la zone neutre telle qu'elle a été établie ci-dessus seront démantelées, à savoir: les groupes de fortifications Norvégiennes de Fredrikssten avec Gyldenløve, Overbjerget, Veden et Hjelmkollen, d'Orje avec Kroksund et d'Urskog (Dingsrud).

III. Les fortifications visées à l'Article II seront mises hors d'état de servir en cette qualité; les ouvrages anciens de Fredrikssten et des forts de Gyldenløve et d'Overbjerget seront toutefois conservés, mais il sera défendu d'y faire des travaux d'entretien ayant un caractère de fortification.

Des stipulations plus détaillées relatives aux constructions modernes de ces trois forts, ainsi qu'aux mesures à prendre en ce qui touche les autres fortifications, seront insérées dans un acte séparé qui aura la même force et la même valeur que la présente Convention.

IV. L'exécution des mesures visées à l'Article III sera achevée au plus tard huit mois après l'entrée en vigueur de la présente Convention.

V. Une Commission composée de trois officiers de nationalité étrangère (ni Suédoise ni Norvégienne) sera chargée de contrôler que les mesures visées à l'Article III auront été dûment exécutées. De ces officiers un sera nommé par chacun des deux États et le troisième par les deux officiers ainsi désignés, ou, dans le cas où ils ne pourraient tomber d'accord, par le Président du Conseil Fédéral Suisse.

Des dispositions plus détaillées relatives à ce contrôle seront insérées dans l'Acte séparé mentionné ci-dessus.

VI. Fredrikssten pourra continuer à être le quartier du commandement militaire du district et celui de l'école de sous-officiers des forces ressortissant à ce commandement, le tout essentiellement sur le même pied qu'avant la construction des fortifications modernes.

VII. Le groupe de fortifications de Kongsvinger ne pourra être augmenté, ni comme constructions, ni comme armement, ni comme garnison, le chiffre de cette dernière n'ayant pas, jusqu'ici, dépassé 300 hommes. Ne seront pas compris dans la garnison les hommes convoqués pour les exercices annuels. En application de la disposition ci-dessus, il ne pourra être établi de nouvelles fortifications dans un rayon de 10 kilom. autour de la forteresse ancienne de Kongsvinger.

VIII. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes seront, avec l'exception qui suit de l'Article V, soumis à un Tribunal Arbitral composé de trois membres, dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'Article XXXII de la Convention de La Haye du 29 Juillet, 1899.* Aucun des Arbitres ne pourra être sujet de l'un ou de l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

IX. La présente Convention entrera immédiatement en vigueur et ne pourra être dénoncée que d'un commun accord.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CL:SON WACHTMEISTER.

(L.S.) v. DITTEN.

CONVENTION between Sweden and Norway regarding the Rights of Nomad Laps to certain Pastures.—Signed at Stockholm, October 26, 1905.†

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède; et

M. Thor de Ditten, Plénipotentiaire de la Norvège;

S'étant réunis en vue de convertir en Convention formelle le projet de Convention concernant le droit des Lapons nomades au pacage pour les rennes, &c., approuvé par le Riksdag Suédois le 13 Octobre, 1905, et par le Storthing Norvégien le 9 Octobre, 1905, et dûment

* Vol. XCI, page 970.

† Signed also in the Swedish and Norwegian languages. See also *Procès-verbal*, page 830.

autorisés à cet effet, ont signé, sans réserve de ratification, les Articles qui suivent :—

I. Les deux États s'engagent, dans un but humanitaire, à continuer dorénavant de permettre, chacun sur son territoire, que les Lapons nomades de l'autre État jouissent, dans les proportions anciennes, des droits mentionnés dans la première Annexe du Traité de Délimitation du 7^e/₈ Octobre, 1751, chacun des deux États renonçant à toute prétention de pouvoir dénoncer la dite Annexe sans le consentement de l'autre.

II. La Loi de 1883 sur les Lapons nomades, qui remplace actuellement dans les deux États l'Annexe susmentionnée, et qui a en dernier lieu été prorogée jusqu'à la fin de l'année 1907, sera prorogée pour une période de dix années encore, soit jusqu'à la fin de l'année 1917; toutefois, pour ce qui concerne son application pendant la dite période, il sera à observer ce qui suit :—

1. Le droit qui revient aux Lapons de chacun des États de séjourner avec leurs rennes dans l'autre, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, durant certains mois de l'année mentionnés dans la dite Loi, ne pourra être exercé que dans les Préfectures de Norrbotten et de Västerbotten en Suède, et dans celles de Tromsø et de Nordland en Norvège.

2. Il ne sera pas permis aux Lapons passant de l'un des pays dans l'autre d'amener des rennes appartenant à des personnes ayant demeure fixe ou à des sociétés anonymes.

3. Les Lapons Suédois ne pourront, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, passer en Norvège avec leurs rennes avant le 15 Juin, à moins que des conditions météorologiques extraordinaires ne rendent une migration anticipée nécessaire. La Suède aura cependant le droit de soumettre, à ses frais, à un Tribunal Arbitral constitué conformément à l'Article IV ci-dessous la question de savoir si et dans quelle mesure il est nécessaire pour les Lapons Suédois, indépendamment de conditions météorologiques extraordinaires, de passer en Norvège avant le 15 Juin, et, dans ce cas, il sera donné suite à la décision du Tribunal Arbitral; dans aucune hypothèse, cependant, la dite migration ne pourra avoir lieu avant le 1^{er} Mai.

III. En temps utile avant la fin de l'année 1917, des négociations relatives à la revision des dispositions dans cette matière en vigueur entre les deux États seront engagées entre eux.

IV. Les différends relatifs à l'interprétation ou à l'application des dispositions dans la matière en vigueur en tout temps entre les deux États, et qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral composé de trois membres, dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne

peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'Article XXXII de la Convention de La Haye du 29 Juillet, 1899.*

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CLAESSON WACHTMEISTER.

(L.S.) v. DITTEN.

CONVENTION between Sweden and Norway respecting Goods in Transit.—Signed at Stockholm, October 26, 1905.†

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède; et

M. Thor de Ditten, Plénipotentiaire de la Norvège;

S'étant réunis en vue de convertir en Convention formelle le projet de Convention concernant le trafic en transit, approuvé par le Riksdag Suédois le 13 Octobre, 1905, et par le Storthing Norvégien le 9 Octobre, 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les Articles qui suivent:—

ART. I. Chacun des deux États s'engage à ne pas empêcher ou gêner, par des prohibitions d'importation ou d'exportation, par des entraves apportées au transport ou par d'autres moyens, le transport des marchandises passant par son territoire et venant de l'autre État ou s'y rendant (marchandises en transit).

En cas d'hostilités avec une tierce Puissance ou entre tierces Puissances, ou bien dans d'autres cas extraordinaires, il pourra être fait, pour les armes, munitions, ou autre matériel de guerre, et, en temps de guerre, pour toutes marchandises ayant le caractère de contrebande de guerre, les exceptions provisoires exigées par le droit international ou commandées par le souci de la neutralité ou de la sûreté du pays. Il sera également permis de faire les exceptions provisoires nécessaires pour empêcher l'introduction ou la propagation d'épidémies ou d'épizooties.

II. Les marchandises en transit ne seront pas soumises à des droits de douane ou à d'autres droits analogues, ni frappées, du fait du transit, d'un droit spécial quelconque. Sur les marchandises

* Vol. XCI, page 970.

† Signed also in the Swedish and Norwegian languages. See also *Procès-verbal*, page 830.

consignées en entrepôts ou autres semblables, les droits établis pourront être perçus.

III. Les marchandises en transit, transportées par chemin de fer, ne seront pas soumises, dans le pays de transit, à un régime moins favorable que celui appliqué en général, dans ce pays, aux marchandises de la même catégorie. Elles n'auront par conséquent pas à acquitter, sous aucune forme, des taxes de transport plus élevées que celles résultant des tarifs appliqués de fait dans le dit pays. Si, pour certaine catégorie de marchandises, le pays de transit n'applique pas dans tous les cas le même tarif, les marchandises en transit n'auront à acquitter que les taxes de transport jugées équitables par rapport aux tarifs qui sont de fait appliqués en général en dedans des limites du pays de transit, abstraction faite des réductions spéciales consenties sur des lignes locales tertiaires ou pour des raisons exceptionnelles. Si, dans le pays de transit, le transport de certaine catégorie de marchandises est nul ou de peu d'importance, les marchandises en transit de cette catégorie n'auront à acquitter que les taxes de transport jugées équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

Cet Article s'applique à toute marchandise qui, venant de l'un des deux pays ou s'y rendant, traverse l'autre par une ligne de chemin de fer appartenant, en tout ou en partie, à l'État ou à une société dont l'État est un des associés. Si l'État ou une société dont l'État est un des associés cède une ligne, ou sa part d'une ligne, à un nouveau propriétaire, l'État restera garant de l'application, malgré cette cession, des dispositions du présent Article.

IV. Les marchandises en transit, ainsi que les navires affrétés pour leur transport, ne seront pas soumis, dans le pays de transit, à des droits de port ou de navigation ou à d'autres droits, de quelque nature que ce soit, plus élevés que ceux résultant des tarifs qui, dans le trafic international du pays de transit, sont de fait appliqués en général aux marchandises de la même catégorie, sans préjudice toutefois du droit des communes de percevoir des droits de port conformément à la législation générale.

Si certaine catégorie de marchandises ne figure point ou seulement avec des quantités peu importantes dans le trafic international du pays de transit, il ne sera pas perçu de droits plus élevés que ceux jugés équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

V. Les dispositions ci-dessus seront appliquées même dans le cas où une marchandise en transit fait l'objet d'une réexpédition dans le pays de transit.

VI. La présente Convention aura la durée de trente ans, à partir du 1^{er} Janvier, 1906, et sera prolongée pour une nouvelle période de

la même durée, si elle n'est pas dénoncée par l'un des Etats au moins cinq ans avant l'expiration de la période de trente ans.

VII. Les dispositions précédentes concernant les taxes de transport par chemin de fer n'infirmen en rien le contrat pour le transport de minerai sur la ligne d'Ofoten, conclu le 11 (7) Octobre, 1898, entre l'État Norvégien et la Société Anonyme de Loussavaara-Kiirunavaara, en ce qui concerne la quantité contractuelle de 1,200,000 tonnes. Si les gisements de Luossavaara-Kiirunavaara passent à un nouveau propriétaire, celui-ci ne pourra, en ce qui concerne le transport de la dite quantité, se prévaloir de la présente Convention pour obtenir d'autres conditions que celles stipulées par le contrat.

VIII. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes seront soumis à un Tribunal Arbitral composé de trois membres, dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'Article XXXII de la Convention de La Haye du 29 Juillet, 1899.*

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CL:SON WACHTMEISTER.

(L.S.) v. DITTEN.

CONVENTION between Sweden and Norway concerning Lakes and Waters in common.—Signed at Stockholm, October 26, 1905.†

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède; et

M. Thor de Ditten, Plénipotentiaire de la Norvège;

S'étant réunis en vue de convertir en Convention formelle le projet de Convention concernant les lacs et cours d'eau communs, approuvé par le Riksdag Suédois le 13 Octobre, 1905, et par le Storthing Norvégien le 9 Octobre, 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les Articles qui suivent:—

ART. I. S'il est question, sur le territoire de l'un des deux États,

* Vol. XCI, page 970.

† Signed also in the Swedish and Norwegian languages. See also *Procès-verbal*, page 830.

d'endiguer un lac, d'en abaisser le niveau ou d'en dériver les eaux, d'établir des constructions dans un cours d'eau, d'en dériver les eaux ou de prendre d'autres mesures en vue d'en modifier la profondeur, le lit ou la direction, c'est la législation de cet État qui sera appliquée en ce qui concerne le droit d'entreprendre les travaux, quand même ceux-ci pourraient influencer les eaux situées dans l'autre État. Les ressortissants de ce dernier État auront, pour faire valoir leurs droits, les mêmes facilités dont jouissent, dans des circonstances analogues, les ressortissants de l'État où seraient entrepris les travaux, et ils jouiront également des mêmes droits que ceux-ci pour tout ce qui concerne les conditions auxquelles est soumise l'exécution des dits travaux.

II. Conformément aux principes généraux du droit international, il est entendu que les travaux mentionnés à l'Article I ne pourront être exécutés dans l'un des deux États sans le consentement de l'autre, chaque fois que ces travaux, en influençant les eaux situées dans l'autre État, auraient pour effet soit de mettre des entraves sensibles à l'utilisation d'un cours d'eau pour la navigation ou le flottage, soit d'apporter autrement des changements sérieux aux eaux d'une région d'étendue considérable.

III. En ce qui concerne l'ouverture, le maintien et l'utilisation d'un cours d'eau pour la navigation ou le flottage, les ressortissants de chacun des États jouiront dans l'autre des mêmes droits et libertés que les ressortissants du pays.

IV. La présente Convention s'applique à tous les lacs et cours d'eau communs aux deux États. Seront considérés comme communs les lacs et cours d'eau qui servent de frontière entre les deux États ou qui sont situés dans les territoires des deux ou qui se déversent dans les dits lacs et cours d'eau.

V. La présente Convention aura la durée de cinquante ans, à partir du 1^{er} Janvier, 1906, et sera prolongée pour une nouvelle période de la même durée si elle n'est pas dénoncée par l'un des États au moins cinq ans avant l'expiration de la période de cinquante ans.

VI. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes seront soumis à un Tribunal Arbitral composé de trois membres, dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'Article XXXII de la Convention de La Haye du 29 Juillet, 1899.*

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CL:SON WACHTMEISTER.

(L.S.) v. DITTEN.

PROCÈS-VERBAL of Signature of the Five Conventions between Norway and Sweden. — Signed at Stockholm, October 26, 1905.

Les Soussignés, M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède, d'un côté, de l'autre M. Thor de Ditten, Plénipotentiaire de la Norvège,

Se sont réunis aujourd'hui en vue de convertir en Conventions formelles les projets de Conventions :—

1. Concernant le règlement de différends par arbitrage ;
2. Relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, &c. ;
3. Concernant le droit des Lapons nomades au pacage pour les rennes, &c. ;
4. Concernant le trafic en transit ; et
5. Concernant les lacs et cours d'eau communs,

arrêtés à Karlstad par les Délégués Suédois et Norvégiens, et approuvés par le Riksdag Suédois le 13 Octobre, 1905, et par le Storting Norvégien le 9 Octobre, 1905, ainsi que de convertir en Acte conventionnel formel le projet d'acte séparé concernant les mesures visées aux Articles III et V du projet de Convention relatif à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, &c., arrêté par les Délégués mentionnés plus haut et approuvés, conformément à l'autorisation des représentations nationales respectives, par le Gouvernement Suédois le 13 Octobre, 1905, et par le Gouvernement Norvégien le 10 Octobre, 1905.

Les Soussignés ont présenté les documents suivants :—

Du côté Suédois :

1. (a.) Acte contenant les cinq projets de Conventions susmentionnés, arrêtés par les Délégués à Karlstad, en original Suédois ;

(b.) Acte contenant le projet d'Acte séparé susmentionné, arrêté par les Délégués à Karlstad, en original Suédois ;

2. L'adresse du 13 Octobre, 1905, portant que le Riksdag a approuvé, à condition qu'une décision analogue soit prise en Norvège, les projets de Conventions mentionnés *sub* 1 (a), qui

devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède, et que le Riksdag a déclaré que cette approbation implique l'autorisation pour le Roi d'approuver, au nom de la Suède, le projet d'Acte séparé ;

3. Extrait des procès-verbaux, dressés au Conseil des Ministres, présidé par le Roi, le 13 Octobre, 1905, portant que le Roi a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Suède, le projet d'Acte séparé ;

4. L'adresse du 16 Octobre, 1905, portant que le Riksdag a, sur la proposition du Gouvernement, voté une Loi concernant l'abrogation, de la part de la Suède, de l'Acte d'Union, laquelle Loi devra entrer en vigueur dès que des Traités auront été, dans les formes internationales d'usage, arrêtés en conformité des projets mentionnés *sub* 1 (a) et (b), et que le Riksdag a autorisé le Roi à reconnaître, au nom de la Suède, la Norvège comme État séparé de l'union avec la Suède, sous réserve de la signature en due forme des dits Traités ;

5. Extrait des procès-verbaux dressés au Conseil des Ministres, présidé par le Roi, le 26 Octobre, 1905, portant que le Roi a décidé de promulguer la Loi mentionnée *sub* 4 et de reconnaître, sous la réserve également visée *sub* 4, la Norvège comme État séparé de l'union avec la Suède ; et

6. Pleins pouvoirs du Gouvernement Suédois pour M. le Comte Wachtmeister de signer les Conventions et l'Acte séparé susmentionnés ;

Du côté Norvégien :

1. (a.)—Acte contenant les cinq projets de Conventions susmentionnés, arrêtés par les Délégués à Karlstad, en original Norvégien ;

(b.) Acte contenant le projet d'Acte séparé susmentionné, arrêté par les Délégués à Karlstad, en original Norvégien ;

2. L'adresse du 9 Octobre, 1905, portant que le Storting a approuvé, à condition qu'une décision analogue soit prise en Suède, les projets de Conventions mentionnés *sub* 1 (a), qui devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède ;

3. Extrait des procès-verbaux dressés à la session du Gouvernement Norvégien le 10 Octobre, 1905, portant que le Gouvernement Norvégien a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Norvège, le projet d'Acte séparé susmentionné ;

4. L'adresse du 18 Octobre, 1905, portant que le Storting autorise le Gouvernement Norvégien à désigner un ou plusieurs Plénipotentiaires pour signer, au nom de la Norvège, et sans réserve de ratification, les projets de Conventions et d'Acte séparé susmentionnés, en langues Suédoise, Norvégienne et Française,

lesquels devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède; et

5. Pleins pouvoirs du Gouvernement Norvégien pour M. de Ditten de signer les Conventions et l'Acte séparé susmentionnés.

Ayant pris connaissance mutuellement des documents présentés, lesquels ont été trouvés en bonne et due forme, et après avoir échangé les pleins pouvoirs, les Soussignés ont déclaré que les Conventions et l'Acte séparé à signer seront considérés obligatoires à compter de ce jour, sans aucune ratification.

Après quoi les Soussignés ont signé, en langues Suédoise, Norvégienne et Française, et en double, les Actes suivants, à savoir :—

1. Convention concernant le règlement de différends par arbitrage;*

2. Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, &c. ;†

3. Convention concernant le droit des Lapons nomades au pacage pour les rennes, &c. ;‡

4. Convention concernant le trafic en transit :§

5. Convention concernant les lacs et cours d'eau communs;|| et

6. Acte séparé concernant les mesures visées aux Articles III et V de la Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, &c.

En foi de quoi les Plénipotentiaires respectifs ont dressé le présent procès-verbal de signature, qui aura la même force et la même valeur que si les dispositions qu'il contient étaient insérées dans les dits Actes eux-mêmes.

Fait à Stockholm, en double expédition, le 26 Octobre, 1905.

(L.S.) F. CL:SON WACHTMEISTER.

(L.S.) v. DITTEN.

SWEDISH ROYAL ORDINANCE concerning the Omission of the Symbol of Union from the National Flag.—Stockholm, October 27, 1905.

(Translation.)

WE, Oscar, by the grace of God King of Sweden of the Goths and the Wends, make known that we, after assent of the Riksdag, have been pleased to ordain that the prescriptions hitherto in force regarding the inclusion of the symbol of union in the national flag shall cease to be in force, and that in place of the symbol of union a blue field shall be restored in the flag.

* Page 820.

† Page 821.

‡ Page 824.

§ Page 826.

|| Page 828.

This Ordinance comes into force on the 1st November, 1905.

All whom this may concern, have, &c.

OSCAR.

Stockholm, October 27, 1905.

EXCHANGE OF NOTES between the British and Swedish Governments respecting the Validity of Treaties concluded in common by Sweden and Norway.—London, November 16, 1905.

No. 1.—Baron de Bildt to the Marquess of Lansdowne.

Légation de Suède, Londres,

M. LE MARQUIS,

le 6 Novembre, 1905.

UNE des conséquences directes de la dissolution de l'Union entre la Suède et la Norvège est la cessation de toute communauté entre les deux pays en ce qui concerne les Conventions et Arrangements Internationaux de toute sorte conclus en commun par eux avec une ou plusieurs Puissances. Le Gouvernement Suédois se tient donc pour dégagé de toute responsabilité du chef des obligations stipulées dans les dits Conventions et Arrangements communs, et qui concernent la Norvège. Pour ce qui est des Traités ou autres Arrangements conclus au nom de Sa Majesté le Roi de Suède et de Norvège séparément pour la Norvège, il est évident que le Gouvernement de Sa Majesté n'est aucunement responsable, après la séparation des deux États, des obligations qui en résultent pour la Norvège.

De l'autre côté, le Gouvernement Suédois est d'avis que les Actes susmentionnés conclus en commun par la Suède et la Norvège continuent à sortir leurs effets pour ce qui concerne les rapports entre la Suède et la ou les autres Parties Contractantes, sans que la dissolution de l'Union entre la Suède et la Norvège modifie d'aucune manière les dispositions qui ont réglé jusqu'à présent ces rapports.

Le Gouvernement Suédois se réserve de faire, après une étude plus approfondie, une communication ultérieure quant à la question de savoir si, et dans quelle mesure, une revision des textes des Traités existants est nécessaire ou utile.

En attendant, le Gouvernement Suédois considère tous les Arrangements conclus par la Suède, soit séparément, soit en commun avec la Norvège, comme valables sans modifications pour les rapports y visés entre la Suède et les États respectifs.

Je suis chargé de porter ce qui précède à la connaissance du
[1904-1905. xoviii.] 3 H

Gouvernement de Sa Majesté Britannique, et j'ose prier votre
Seigneurie de vouloir bien m'accuser réception de cette communica-
tion.

Je profite, &c.

The Marquess of Lansdowne.

BILDT.

No. 2.—The Marquess of Lansdowne to Baron de Bildt.

SIR,

Foreign Office, November 16, 1905.

I HAVE the honour to acknowledge the receipt of your note of the 6th instant, in which you inform me that the Treaties concluded in common by Sweden and Norway will be considered as valid by the Swedish Government until further notice by the former State. You also intimate that the Swedish Government can accept no further responsibility for any obligations contained in such Treaties so far as the State of Norway is concerned.

I have the honour to state, in reply, that, although the dissolution of the Union between Sweden and Norway undoubtedly affords His Majesty's Government the right to examine, *de novo*, the Treaty engagements by which Great Britain was bound to the Dual Monarchy, they gladly take note of your intimation of the desire of the Swedish Government that these engagements should remain in force pending a further study of the subject.

His Majesty's Government also take note of the statement of the Swedish Government with regard to the hitherto existing Treaty obligations entered into on behalf of Norway with this country.

I have, &c

Baron de Bildt

LANSDOWNE.

EXCHANGE OF NOTES between the British and Norwegian Governments respecting the Validity of Treaties concluded in common by Sweden and Norway.—London, November $\frac{16}{23}$, 1905.

No. 1.—M. Irgens to the Marquess of Lansdowne.

Long's Hotel, 15, New Bond Street, Londres,

M. LE MARQUIS,

le 16 Novembre, 1905.

UNE des conséquences directes de la dissolution de l'Union entre la Norvège et la Suède est la cessation de toute communauté entre les deux États en ce qui concerne les Conventions et Arrangements

Internationaux conclus en commun par eux avec un ou plusieurs autres États. Si ces Conventions et Arrangements pouvaient être jusqu'ici considérés comme entraînant pour la Norvège et pour la Suède une responsabilité commune vis-à-vis des obligations qui en résultent pour chacun d'entre eux, le Gouvernement Norvégien se tient donc dès à présent responsable seulement des obligations des dits Conventions et Arrangements communs qui concernent la Norvège. Il en est de même relativement aux Conventions Internationales auxquelles la Norvège et la Suède ont adhéré en commun. Pour ce qui est des Conventions et Arrangements conclus pendant l'Union séparément par la Suède, ou auxquels la Suède a adhéré, le Gouvernement Norvégien pense qu'il ne pourra être considéré responsable de l'accomplissement des obligations qui en découlent pour la Suède.

De l'autre côté, le Gouvernement Norvégien est d'avis que tous les Conventions et Arrangements Internationaux conclus par la Norvège avec un ou plusieurs autres États, soit en commun avec la Suède, soit séparément, soit comme Partie adhérente, continuent à sortir leurs effets comme par le passé entre la Norvège et la ou les autres Parties Contractantes sans que la dissolution de l'Union en modifie les dispositions.

Le Gouvernement Norvégien se réserve, toutefois, de faire, après une étude plus approfondie, une communication ultérieure quant à la question de savoir si et dans quelle mesure il y aura lieu de procéder à une revision des textes des Traités en vigueur entre la Norvège et la Grande-Bretagne.

En portant, d'ordre de mon Gouvernement, ce qui précède à la connaissance de votre Excellence, je profite &c.,

The Marquess of Lansdowne.

J. IRGENS.

No. 2.—The Marquess of Lansdowne to M. Irgens.

SIR,

Foreign Office, November 23, 1905.

I HAVE the honour to acknowledge the receipt of your note of the 16th instant, in which you inform me that the Treaties concluded in common by Norway and Sweden will be considered as valid by the Norwegian Government until further notice by the former State. You also intimate that the Norwegian Government can accept no further responsibility for any obligations contained in such Treaties so far as the State of Sweden is concerned.

I have the honour to state, in reply, that, although the dissolution of the Union between Sweden and Norway undoubtedly affords His Majesty's Government the right to examine, *de novo*, the Treaty

engagements by which Great Britain was bound to the Dual Monarchy, they gladly take note of your intimation of the desire of the Norwegian Government that these engagements should remain in force pending a further study of the subject.

His Majesty's Government also take note of the statement of the Norwegian Government with regard to the hitherto existing Treaty obligations entered into on behalf of Sweden with this country.

M. Irgens.

I have, &c.

LANSDOWNE.

NOTE from the Norwegian Minister regarding the Changes in the Norwegian Flag.—London, November 21, 1905.

M. Irgens to the Marquess of Lansdowne.

Long's Hotel, 15, New Bond Street, Londres,

M. LE MARQUIS,

le 21 Novembre, 1905.

D'ORDRE de mon Gouvernement j'ai l'honneur de porter par la présente à la connaissance de votre Excellence que, par un Décret du 7 Juin, 1905, il a été arrêté ce qui suit par rapport au pavillon de la Marine de Guerre Norvégienne, à savoir :—

“1. Comme pavillon de la Marine de Guerre doit être employé, dorénavant, le pavillon fixé pour les établissements publics de l'État par § 2 de la Loi du 10 Décembre, 1898.

“2. Le pavillon de beaupré de la Marine de Guerre sera conforme au pavillon de la Marine Marchande, selon § 1 de la même Loi, toutefois de manière que tous les quatre quadrilatères rouges seront de forme carrée et de même grandeur.

“3. Le Ministère de la Guerre est autorisé à prendre les décisions, quant au changement de tous les signes de commandement, rendues nécessaires par suite du changement du pavillon de la Marine de Guerre.”

Le nouveau pavillon de la Marine de Guerre ne diffère de l'ancien qu'en ce que la marque d'Union a été supprimée et remplacée par un quadrilatère rouge.

En vertu de l'Article 3, le Ministère de la Guerre a décrété que, dans les signes de commandement, la marque d'Union sera remplacée par un quadrilatère rouge, dans lequel sera introduit le signe spécial de commandement (des bâtons de commandement croisés, des étoiles, &c.).

Dans la banderole de la Marine de Guerre la marque d'Union

sera remplacée par un quadrilatère rouge avec une croix formée de raies bleues et blanches, comme dans le pavillon.

Veillez, &c.,

The Marquess of Lansdowne.

J. IRGENS.

DECRET respecting the Adhesion of the Argentine Republic to the International Convention for Postal Subscriptions to Newspapers, &c., of June 15, 1897. — Buenos Ayres, June 12, 1905.†*

(Translation.)

IN view of the arguments advanced by the Ministry of the Interior and of the Postal Administration with regard to the advisability that the Republic should adhere to the Convention respecting subscriptions to newspapers and periodicals, which forms part of the Universal Postal Union, and taking into account the evident benefit which this service will confer on the public,

The President of the Republic decrees :—

ART. 1. That the Argentine Government adheres to the Convention mentioned in the Preamble.

2. That the authorization required by the Director-General of Posts be granted to establish administratively the service of subscriptions to publications which is included in the rules and regulations of the Universal Postal Union.

3. That the approval of Congress to these dispositions be obtained.

4. That this Decree be communicated to the proper authorities, and published in the Official Gazette and filed in the National Registry.

QUINTANA.

C. RODRIGUEZ LARRETA.

* Vol. XC, page 1079.

† Official Gazette of June 28, 1905.

*BELGIAN NOTIFICATION of the Renewal of Reciprocal Most-favoured-nation Treatment of Belgian and Greek Goods.—March 1905.**

MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Relations Commerciales avec la Grèce.

UN Décret Royal Hellénique a accordé pour une nouvelle période de six mois, soit jusqu'au $\frac{7}{20}$ Septembre, 1905, à titre de réciprocité, aux produits Belges importés en Grèce, le régime de la nation la plus favorisée.

Les produits Grecs continueront également à jouir, pendant la même période, à l'entrée en Belgique, du traitement de la nation la plus favorisée.

Certifié :

ARENDT, *Directeur-Général.*

NOTIFICATION of the Ratification by China of the Conventions respecting Arbitration and Maritime War, and the Declarations forbidding the use of certain Projectiles in War, signed at The Hague, July 29, 1899.—November 21, 1904.

La Haye, le 2 Décembre, 1904.

LE Secrétaire-Général de la Cour Permanente d'Arbitrage a l'honneur de porter à la connaissance de son Excellence le Ministre de la Grande-Bretagne que, d'après une communication qu'il vient de recevoir de son Excellence le Ministre des Affaires Étrangères de Sa Majesté la Reine des Pays-Bas, Sa Majesté l'Empereur de Chine a fait déposer, le 21 Novembre, 1904, les instruments portant ratification de—

(a.) La Convention pour le règlement pacifique des conflits internationaux ;†

(b.) La Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864;‡

(c.) Des trois Déclarations.§

L. H. RUYSSENAERS, *Envoyé Extraordinaire et Ministre Plénipotentiaire, Secrétaire-Général de la Cour Permanente d'Arbitrage.*

* "Moniteur Belge," March 10, 1905.

† Vol. XCI, page 970.

‡ Vol. XCI, page 1002.

§ 1. Discharge of projectiles from balloons, Vol. XCI, page 1011.

2. Use of projectiles diffusing suffocating gases, Vol. XCI, page 1014.

3. Use of expanding bullets, Vol. XCI, page 1017.

COLOMBIAN LAW relative to the recognition and payment of Claims of Foreigners for exactions during the late Rebellion.—Bogotá, October 17, 1903.

[No. 27 of 1903.]

(Translation.)

THE Congress of Colombia decrees:

ART. 1. The claims which foreigners may prefer against the Government of the Republic for forced loans, contributions, expropriations, or material damages done to their property, resulting entirely from the late rebellion, shall all be dealt with by the Executive Power. Accordingly, the Executive Power, through the Ministry for Foreign Affairs, shall determine each case in accordance with the principles of the law common to the country and the law of nations.

2. Whenever the circumstances which gave rise to a claim appear to be doubtful, and the claimant is not satisfied with the decision arrived at respecting it, he shall be at liberty to apply to the Courts of Justice, with a view to their deciding, in an ordinary civil suit, upon the validity of his claim, should he not accept the terms of settlement which the Government, after consultation with the Council of State, may offer him.

3. The nation is not responsible for losses sustained by foreigners at the hands of the rebels.

4. The claimant must prove that he is a foreigner and has not forfeited his neutrality, this being the first requisite and the condition of the admissibility of his claim. The status of a foreigner shall be defined in accordance with the Constitution and laws in force at the time when the acts which gave rise to the claim were done.

5. To prove that neutrality was observed, duly authenticated certificates from civil authorities and, in their absence, depositions made before the competent public functionaries shall be required.

6. Foreigners who have committed a breach of neutrality shall not have the right to make claims under the provisions of this Law. The circumstances attending the observance of neutrality by each claimant shall be weighed according to the evidence referred to in the previous Article.

7. A year after the publication of the present Law, the right possessed by foreigners to make claims upon the Government shall lapse. This term, which does not admit of extension, applies equally to minors, women, those who absented themselves, and others entitled to benefit by the Law.

8. As far as this Law is concerned, it is presumed that contracts entered into between foreigners and citizens who were disaffected

towards the Government subsequently to the date of promulgation of the Decree No. 531 of the year 1889, issued in conformity with Article 12 of the Civil Code, are fictitious. Excepting proofs to the contrary, no claim founded on such contracts shall, in consequence, be admitted under the provisions of this Law.

9. In the documentary evidence in support of the claim, the following facts, sufficiently authenticated, must be proved:—

The foreign status and neutral character of the claimants.

The origin and amount of the claim.

The dates of and places where the loan or supply was raised, or where the forcible seizure or loss occurred, and the name of the Chief or authority who ordered or caused it. The title or proofs showing that what is claimed was, at the time of the requisition, forcible seizure, material loss, &c., the property of the claimant.

10. For the payment of the sums assigned by this Law, there shall be laid aside 8 per cent. of the net import duties collected by the custom-houses of the Atlantic and that of Cúcuta. "Vales de extranjeros" shall be issued and be receivable up to the said 8 per cent. These "vales" shall bear interest at the rate of 6 per cent. per annum.

§ The decision of the Ministry for Foreign Affairs, or the settlement agreed upon in accordance with Article 2 of this Law, shall be deemed sufficient for an order for the payment of the sum recognized to be due.

11. Claims which may have been under discussion with the Ministry for Foreign Affairs prior to the promulgation of this Law may be proceeded with, provided the conditions herein laid down are complied with. In the event of this not having been done, they must be presented anew in due form.

12. The Executive Power may confer special authorization on the Departmental Government of Panamá, enabling it, with the assistance of competent public functionaries, to take the necessary measures before the judicial Power for examining the facts upon which are based the claims which may have been or shall be presented by foreigners for losses and material damages caused by the Government troops, in July and November 1901, within the lines of defence. This refers to claims which cannot be considered as coming under the head of calamities of the war, the damages complained of not having been necessary for the carrying out of military operations. Claims under this head are limited to those not exceeding a sum of 200 pesos in silver currency .835 fine. The Governor will promulgate an enactment relative to the recognition and payment of claims of this kind, the payments being made in the National Finance Office in Panamá in the form of "Vales de extranjeros," treated of in Article 10 of this Law, which shall be

transmitted to the said office in compliance with the report which the Ministry for Foreign Affairs shall receive from the Departmental Government respecting the recognition of such claims and the payments ordered.

13. The period of the rebellion shall be reckoned, for the purposes of this Law, as follows: for the Departments of Santander and Cundinamarca, from the 23rd July, 1899, and for the rest of the country from the 18th October of the same year to the 1st June, 1903.

14. The provisions of this Law shall not affect stipulations in public Treaties and Agreements.

15. In the ports occupied by the rebels during the recent disturbance of public order, foreigners will not be required to pay custom-house duties, when they have been previously forced to pay them to the rebels. The sum to be returned for the payment of double duties in 1895, and in the last rebellion will be considered as included in the present estimates.

16. For the performance of the duties required in the investigations of claims referred to in this Law, the Executive Power may introduce into the Ministry for Foreign Affairs the necessary changes; the increase of expenditure caused by the employment of more officials shall be considered as included in the estimates.

17. It shall be lawful for the Executive Power to regulate the manner of putting this Law into force and to adopt the necessary measures in regard to matters of detail.

18. In matters to which this Law relates, and in others in which foreigners are interested, the right to a diplomatic claim will not be allowed except in the case of the denial or extraordinary or illegal delay of justice, the non-execution of a legally valid judgment or, all legal remedies having been exhausted, where there has been a clear violation of existing Treaties or of the rules of international law, public or private, as generally recognized by civilized nations.

19. This Law repeals all prior enactments or Decrees which may be contrary to it.

Given at Bogotá, the 15th October, 1903.

JOAQUÍN M. URIBE B., *President of the Senate.*

ABRAHAM APARICIO, *President of the Chamber of Representatives.*

MIGUEL A. PEÑAREDONDA, *Secretary of the Senate.*

FERNANDO RESTREPO BRICEÑO, *Secretary of the Chamber of Representatives.*

Executive Power, Bogotá, October 17, 1903.

(L.S.) JOSÉ MANUEL MARROQUIN.

LUIS CARLOS RICO, *Minister for Foreign Affairs.*

PROTOCOL concluded between Japan and Corea, respecting the Relations between the two Countries.—Signed at Seoul, February 23, 1904.

(Translation.)

MR. GONSUKÉ HAYASHI, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan, and Major-General Ye-tchi-yong, Minister of State for Foreign Affairs *ad interim* of His Majesty the Emperor of Corea, being respectively duly empowered for the purpose, have agreed upon the following Articles:—

ART. I. For the purpose of maintaining a permanent and solid friendship between Japan and Corea, and firmly establishing peace in the Far East, the Imperial Government of Corea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvement in administration.

II. The Imperial Government of Japan shall, in a spirit of firm friendship, insure the safety and repose of the Imperial household of Corea.

III. The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire.

IV. In case the welfare of the Imperial House of Corea, or the territorial integrity of Corea, is endangered by aggressions of a third Power or internal disturbances, the Imperial Government of Japan shall immediately take such necessary measures as circumstances require, and in such case the Imperial Government of Corea shall give full facilities to promote action of the Imperial Japanese Government. The Imperial Government of Japan may, for the attainment of the above-mentioned object, occupy, when the circumstances require it, such places as may be necessary from strategic points of view.

V. The Governments of the two countries shall not in future, without mutual consent, conclude with a third Power such an arrangement as may be contrary to the principles of the present Protocol.

VI. Details in connection with the present Protocol shall always be arranged, as the circumstances may require, between the Representative of Japan and the Minister of State for Foreign Affairs of Corea.

AGREEMENT between the Corean and Japanese Governments, respecting the Appointment of Financial and Diplomatic Advisers, and the Rights of Foreigners.—Signed at Seoul, August $\frac{19}{2}$, 1904.

(Translation.)

ART. I. The Japanese Government will recommend to the Corean Government a Japanese subject as Financial Adviser, whose services will be employed by the latter Government and whose advice will be sought and followed in all financial matters.

II. The Japanese Government will recommend to the Corean Government a foreigner to act as Diplomatic Adviser, who will be employed by the Foreign Office, and whose advice will be sought and followed in all international questions of an important nature.

III. When concluding any Treaty with a foreign Power or other important international transaction in the nature of Agreements granting special rights to individual foreigners and so forth, the Corean Government will consult the Government of Japan.

G. HAYASHI, *Envoy Extraordinary and Minister Plenipotentiary of Japan.*

YUN TSHI-HO, *Corean Acting Minister for Foreign Affairs.*

AGREEMENT between Japan and Corea, respecting the Coast Trade of Corea.—Signed at Seoul, August 13, 1905.

(Translation.)

INASMUCH as it has been recognized by the Japanese and Corean Governments that it is essential for the furtherance of industrial enterprise and for the expansion of trade in Corea that Japanese vessels should be permitted to make voyages on the coasts and in the inland waters of Corea, Hayashi Gonsuké, Envoy Extraordinary and Minister Plenipotentiary of Japan, and Yi Ha Yong, Foreign Minister to the Empire of Corea, having been respectively invested with full powers, hereby conclude the following Agreement:—

ART. I. Japanese vessels may, subject to the provisions of this Agreement, make voyages on the coast and in the inland waters of Corea. This Agreement does not, however, apply to voyages between the open ports.

II. When a Japanese vessel is intended for voyages on the coast and in the inland waters of Corea, the names and addresses of its owners, the name, tonnage, and cargo capacity of the vessel and limits of the proposed voyage or voyages, shall be notified to the

Corean Maritime Customs through a Japanese Consulate, and the vessel will receive a licence. This licence shall be valid for a period of one year from the date of issue.

III. The following fees shall be paid to the Corean Maritime Customs for each licence :—

	Yen.
Vessels of Japanese type	15
Vessels of foreign type—	
Under 100 tons	15
Above 100 and under 500 tons	50
Above 500 and under 1,000 tons	100
Above 1,000 tons	150

IV. Japanese vessels may voyage freely within the limits described in their licences, but may not proceed to places outside Corean territory unless driven by stress of weather or other unforeseen circumstances, or have received permission to do so from the Corean Maritime Customs.

V. Japanese vessels, when engaged in coasting voyages, must always carry their licences, and must produce them when required to do so by an official of the Corean Maritime Customs or by Headmen of towns or villages authorized by the provincial authorities.

VI. Owners of Japanese vessels may acquire ground for the erection of store-houses at places where their vessels touch. They may also, with the sanction of the Corean Maritime Customs, erect wharves on the coast.

VII. In the event of the infringement of the provisions of this Agreement on the part of Japanese vessels, the Corean Maritime Customs have power, after inquiry into the circumstances, and having regard to the gravity of the offence, to demand the return of the licence and to refuse to grant a fresh licence.

VIII. Japanese vessels or their crews, in the event of infringement of this Agreement or of other Treaty provisions, shall be dealt with at a Japanese Consulate in accordance with Treaty provisions and Japanese law.

IX. The duration of this Agreement shall be fixed at fifteen years from the date of signature, and on the expiration of this term a new Arrangement may be entered into after consultation.

However, should maritime enterprise in Corea be extended in the future, a new Agreement may be concluded before the expiration of the above term after consultation between the two Governments.

HAYASHI GONSUKE, *Envoy Extraordinary and
Minister Plenipotentiary.*

YI HA YONG, *Foreign Minister.*

ARBITRATION CONVENTION between France and Denmark.—Signed at Copenhagen, September 15, 1905.

[Ratifications exchanged at Copenhagen, May 31, 1906.]

SA Majesté le Roi de Danemark et le Président de la République Française, signataires de la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye le 29 Juillet, 1899,* désirant, en application des principes énoncés dans l'Article XIX de la dite Convention, entrer en négociations pour la conclusion d'une Convention d'Arbitrage, ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Danemark, M. le Comte Frederik Christopher Otto Raben-Levetzau, son Chambellan et Ministre des Affaires Étrangères, Commandeur de l'Ordre du Danebrog, et décoré de la Croix d'Honneur du même Ordre, Grand Officier de l'Ordre National de la Légion d'Honneur, &c. ;

Le Président de la République Française, M. Philippe Crozier, Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française à Copenhagen, Commandeur de l'Ordre National de la Légion d'Honneur, Commandeur de l'Ordre du Danebrog, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les différends d'ordre juridique ou relatifs à l'interprétation des Traités existant entre les Hautes Parties Contractantes, qui viendraient à se produire entre elles et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899, à La Haye, à la condition, toutefois, qu'ils ne mettent en cause ni les intérêts vitaux, ni l'indépendance ou l'honneur des États Contractants, et qu'ils ne touchent pas aux intérêts de tierces Puissances.

II. Dans chaque cas particulier les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial, déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres, et les délais à observer en ce qui concerne la constitution du Tribunal Arbitral et la procédure.

III. La présente Convention, qui sera ratifiée, est conclue pour une durée de cinq années, à partir de l'échange des ratifications, qui aura lieu à Copenhagen aussitôt que faire se pourra.

Fait à Copenhagen, en double exemplaire, le 15 Septembre, 1905.

(L.S.) RABEN LEVETZAU.

(L.S.) CROZIER.

CONVENTION relative à l'Arbitrage Obligatoire, conclue entre la Russie et le Danemark.—Signée à Saint-Pétersbourg, le ^{16 Février}_{1 Mars}, 1905.

[Ratifications échangées à Saint-Pétersbourg, le 11 Avril, 1905.]

SA Majesté l'Empereur de Toutes les Russies et Sa Majesté le Roi de Danemark, signataires de la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye le 29 Juillet, 1899,* désirant, en application des principes énoncés aux Articles XV à XIX de la dite Convention, entrer en négociations pour la conclusion d'une Convention d'Arbitrage obligatoire, ont nommé pour les Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, son Excellence le Comte Lamsdorff, son Secrétaire d'État, Conseiller Privé Actuel et Ministre des Affaires Étrangères ; et

Sa Majesté le Roi de Danemark, le Sieur Paul Ludvig Ernst de Lövenörn, son Chambellan et son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour Impériale de Russie ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent à soumettre à la Cour Permanente d'Arbitrage, établie à La Haye par la Convention du 29 Juillet, 1899, les différends qui viendraient à s'élever entre elles, pour autant qu'ils ne touchent ni à l'indépendance, ni aux intérêts vitaux, ni à l'exercice de la souveraineté des pays respectifs, et qu'une solution amiable n'ait pu être obtenue par des négociations diplomatiques directes.

II. Chaque Partie juge de la question de savoir si le différend qui se sera produit met en cause son indépendance, ses intérêts vitaux, ou l'exercice de sa souveraineté, et, par conséquent, est de nature à être compris parmi ceux qui, d'après l'Article précédent, sont exceptés de l'arbitrage obligatoire.

III. Les Hautes Parties Contractantes s'engagent à ne pas faire valoir des exceptions d'après l'Article II dans les cas suivants :—

1. En cas de contestations, lorsqu'il s'agit de l'interprétation ou de l'application de toute Convention conclue, ou à conclure, entre les Hautes Parties Contractantes et relatives :

(1.) Aux matières de droit international privé ;

(2.) Au régime des sociétés commerciales et industrielles légalement constituées dans l'un des pays ;

(3.) Aux matières de procédure soit civile, soit pénale, et à l'extradition.

2. En cas de contestations concernant des réclamations pécuniaires lorsque l'obligation de verser une indemnité ou un autre paiement quelconque est reconnue en principe par les Parties.

IV. La présente Convention recevra son application même si les contestations qui viendraient à s'élever avaient leur origine dans des faits antérieurs à sa conclusion.

V. Il est bien entendu que les Articles précédents ne sont pas applicables aux différends entre les ressortissants des deux États Contractants ou entre un ressortissant de l'un de ces États et l'autre État, que les Tribunaux des États respectifs seraient, d'après leur législation, compétents à juger.

VI. Lorsqu'il y aura lieu à un arbitrage entre elles, les Hautes Parties Contractantes, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des Arbitres et la procédure arbitrale, aux dispositions établies par la Convention signée à La Haye le 29 Juillet, 1899, pour le règlement pacifique des conflits internationaux, sauf en ce qui concerne les points indiqués ci-après.

VII. Aucun des Arbitres ne pourra être sujet des États signataires de la présente Convention, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

VIII. S'il y a lieu, la sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

IX. Le compromis prévu par l'Article XXXI de la Convention du 29 Juillet, 1899, fixera un terme en deans lequel devra avoir lieu l'échange entre les deux Parties des Mémoires et documents se rapportant à l'objet du litige. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

Ces stipulations ne portent aucune atteinte à ce qui a été arrêté par la Convention de La Haye concernant la seconde phase de la procédure Arbitrale (Article XXXIX), notamment aux dispositions des Articles XLIII à XLIX.

X. La présente Convention aura la durée de dix ans à partir du jour de l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, six mois avant la fin de la dite période, son intention d'en faire cesser les effets, la Convention demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

XI. La présente Convention sera ratifiée dans le plus bref délai possible, et les ratifications seront échangées à Saint-Petersbourg au plus tard le 1^{er} (14) Avril, 1905.

En foi de quoi les Plénipotentiaires ont signé la présente Convention et l'ont revêtue du cachet de leurs armes.

Fait à Saint-Petersbourg, le 16 Février (1^{er} Mars), 1905.

(L.S.) COMTE LAMSDORFF.

(L.S.) P. LÖVENÖRN.

*FRENCH LAW granting Diplomatic Privileges to Members of Arbitral Tribunals in France.—Paris, le 2 Décembre, 1903.**

LE Sénat et la Chambre des Députés ont adopté,
Le Président de la République promulgue la Loi dont la teneur suit:—

Article Unique.—Les membres non Français d'un Tribunal Arbitral, siégeant en France par application de la Convention pour le règlement pacifique des conflits internationaux signée à La Haye le 29 Juillet, 1899,† jouiront, dans l'exercice de leurs fonctions, des privilèges et immunités diplomatiques.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 2 Décembre, 1903.

ÉMILE LOUBET.

Par le Président de la République :

DELCASSÉ, *Ministre des Affaires Étrangères.*

E. VALLÉ, *Garde des Sceaux, Ministre de la Justice.*

ROUVIER, *Ministre des Finances.*

FRENCH DECREE respecting the Residence of Foreigners in the French Colonies in Oceania.—Paris, December 4, 1903.

LE Président de la République Française,
Sur le rapport du Ministre des Colonies,
Vu l'Article 18 du Sénatus-Consulte du 3 Mai, 1854 ;
Vu le Décret du 28 Décembre, 1885, concernant le gouvernement des établissements Français de l'Océanie ;
Vu le Décret du 2 Octobre, 1888 ;
Vu la Loi du 8 Août, 1893 ;

* "Journal Officiel," December 6, 1903.

† Vol. XCI, page 970.

Décrète :

ART. 1^{er}. Tout étranger non admis à domicile, qui se propose d'établir sa résidence sur le territoire des établissements Français de l'Océanie devra, dans les quarante-huit heures qui suivront son débarquement dans la Colonie, faire une déclaration de résidence énonçant—

- (1.) Ses nom et prénoms, ceux de ses père et mère ;
- (2.) Sa nationalité ;
- (3.) Le lieu et la date de sa naissance ;
- (4.) Le lieu de son dernier domicile ;
- (5.) Sa profession ou ses moyens d'existence ;
- (6.) Le nom, l'âge, et la nationalité de sa femme et de ses enfants mineurs, lorsqu'il sera accompagné par eux ;
- (7.) L'île et la commune ou le district où il désire fixer sa résidence.

2. Cette déclaration sera faite, à Papeete, au Commissaire de Police, et dans les districts, à l'Administrateur, ou à défaut, au Chef de Poste ; dans le cas où il n'y aurait ni Administrateur ni Chef de Poste, la déclaration sera reçue par le Président du Conseil de district, ou, à défaut, par le Chef de la Circonscription.

3. Il sera tenu à cet effet un registre d'immatriculation des étrangers, dont la forme sera déterminée par un Arrêté du Gouverneur. Un extrait de ce registre sera délivré sans frais au déclarant.

4. En cas de changement de domicile, l'étranger fera viser cet extrait par l'un des fonctionnaires désignés à l'Article 2 dans les quarante-huit heures de son arrivée à sa nouvelle résidence.

5. Toute personne qui emploiera sciemment un étranger non muni de l'extrait d'immatriculation sera punie des peines de simple police.

6. L'étranger qui n'aura pas fait la déclaration imposée par le présent Décret dans le délai déterminé, ou qui refusera de produire son extrait à la première réquisition, sera passible d'une amende de 50 fr. à 200 fr.

Celui qui aura fait sciemment une déclaration fausse ou inexacte sera passible d'une amende de 100 fr. à 300 fr., et, s'il y a lieu, de l'interdiction temporaire ou indéfinie du territoire de la Colonie.

Tout étranger auquel le territoire de la Colonie aura été interdit et qui y serait rentré, à une époque quelconque, si l'interdiction a été définitive, ou avant l'expiration de l'interdiction, si l'interdiction a été temporaire, sera condamné à un emprisonnement de un à six mois.

7. L'Article 163 du Code Pénal est applicable aux cas prévus par le présent Décret.

8. Il est accordé aux étrangers résidant actuellement dans les
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établissements Français de l'Océanie et non admis à domicile, un délai de trois mois, à partir de la promulgation du présent Décret, pour se conformer aux prescriptions qui précèdent.

9. Le Ministre des Colonies est chargé de l'exécution du présent Décret, qui sera inséré au "Journal Officiel" de la République Française, au "Bulletin des Lois," au "Bulletin Officiel" du Ministère des Colonies, et au "Journal Officiel" des Établissements Français de l'Océanie.

Fait à Paris, le 4 Décembre, 1903.

ÉMILE LOUBET.

Par le Président de la République :

GASTON DOUMERGUE, *Ministre des Colonies.*

CONVENTION concernant l'Échange des Colis Postaux, sans Déclaration de Valeur, entre la France et la République de Panama.—Signée à Panama, le 22 Août, 1904.

[Ratifications échangées à Panama, le 6 Décembre, 1904.]

Le Président de la République Française et le Président de la République de Panama, désirant faciliter les relations commerciales entre la France et Panama, au moyen de l'échange des colis postaux, sans déclaration de valeur, sur les bases de la Convention Internationale de Washington du 15 Juin, 1897,* ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, M. Moët (Marie Ernest Henri), Chargé d'Affaires de la République Française à Panama ; et

Le Président de la République de Panama, M. Tomas Arias, Secrétaire d'État au Département de l'Intérieur et des Relations Extérieures ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :—

ART. I.—1. Il peut être expédié, sous la dénomination de colis postaux, des colis sans déclaration de valeur, savoir :

De la France et de l'Algérie pour Panama, jusqu'à concurrence de 5 kilog. ;

De Panama pour la France et l'Algérie, jusqu'à concurrence de 5 kilog.

2. Est réservé aux Administrations des Postes des deux pays le

* Vol. XC, page 1104.

droit de déterminer ultérieurement d'un commun accord, si leurs règlements respectifs le permettent, les prix et conditions applicables aux colis de valeur déclarée ou grevés de remboursement.

II. L'Administration des Postes de France assurera le transport entre les deux pays, au moyen des paquebots-poste Français.

III. Pour chaque colis expédié de la France et de l'Algérie à destination de Panama, l'Administration des Postes de France paye à celle de Panama, savoir :

1. Un droit territorial de 50 centimes ;
2. Une surtaxe de 75 centimes.

Pour chaque colis expédié de Panama, à destination de la France et de l'Algérie, l'Administration des Postes de Panama paye à celle de France—

1. Un droit maritime de 2 fr. ;
2. Un droit territorial de 50 centimes.

IV. L'affranchissement des colis postaux est obligatoire.

V.—1. Le transport entre la France continentale, d'une part, et l'Algérie et la Corse, de l'autre, donne lieu à une surtaxe de 25 centimes par colis, à titre de droit maritime, à percevoir sur l'expéditeur.

Tout colis provenant ou à destination des localités de l'intérieur de la Corse et de l'Algérie donne lieu, en outre, à une surtaxe de 25 centimes par colis, qui est également à la charge de l'expéditeur.

Ces surtaxes sont, le cas échéant, bonifiées par l'Administration de Panama à l'Administration Française.

2. Le Gouvernement Français se réserve la faculté de faire usage d'une surtaxe de 25 centimes à l'égard des colis postaux échangés entre la France continentale et Panama.

VI. Il est loisible au pays de destination de percevoir du destinataire pour le factage et pour l'accomplissement des formalités en douane un droit dont le montant total ne peut excéder 25 centimes par colis.

VII. Les colis auxquels s'applique la présente Convention ne peuvent être frappés d'un aucun droit postal autre que ceux prévus par les Articles III, V, et VI précédents et par l'Article VIII ci-après.

VIII. La réexpédition des colis postaux de l'un des deux pays sur l'autre, par suite de changement de résidence des destinataires, ainsi que le renvoi des colis postaux tombés en rebut, donne lieu à la perception supplémentaire des taxes fixées par les Articles III, V, et VI, à la charge des destinataires ou, le cas échéant, des expéditeurs, sans préjudice du remboursement des droits de douane ou autres acquittés.

IX. Il est interdit d'expédier par la voie de la poste des colis contenant soit des lettres ou des notes ayant le caractère de

correspondance, soit des objets dont l'admission n'est pas autorisée par les Lois ou Règlements de Douane ou autres.

X.—1. Sauf le cas de force majeure, lorsqu'un colis postal a été perdu, avarié, ou spolié, l'expéditeur, et, à défaut ou sur la demande de celui-ci, le destinataire, a droit à une indemnité correspondant au montant réel de la perte, de l'avarie, ou de la spoliation, sans toutefois que cette indemnité puisse dépasser 25 fr.

2. L'obligation de payer l'indemnité incombe à l'Administration dont relève le bureau expéditeur. Est réservé à cette Administration le recours contre l'Administration correspondante, lorsque la perte, l'avarie, ou la spoliation a eu lieu sur le territoire ou dans le service de cette dernière Administration.

3. Jusqu'à preuve du contraire, la responsabilité incombe à l'Administration qui, ayant reçu le colis sans faire d'observation, ne peut établir ni la délivrance au destinataire, ni, s'il y a lieu, la réexpédition de ce colis.

4. Le paiement de l'indemnité par l'office expéditeur doit avoir lieu le plus tôt possible, et au plus tard dans le délai d'un an à partir du jour de la réclamation. L'office responsable est tenu de rembourser sans retard à l'office expéditeur le montant de l'indemnité payée par celui-ci.

5. Il est entendu que la réclamation n'est admise que dans le délai d'un an à partir du dépôt du colis à la poste; passé ce terme, le réclamant n'a droit à aucune indemnité.

6. Si la perte, l'avarie, ou la spoliation a eu lieu en cours de transport entre les bureaux d'échange des deux pays, sans qu'il soit possible d'établir dans lequel des deux services le fait s'est accompli, les deux Administrations supportent le dommage par moitié.

7. Les Administrations cessent d'être responsables des colis postaux dont les ayants droit ont pris livraison.

XI. La législation intérieure de chacun des pays contractants demeure applicable en tout ce qui n'est pas prévu par les stipulations contenues dans la présente Convention.

XII. Les Administrations des Postes des deux pays contractants désignent les bureaux ou localités qu'elles admettent à l'échange international des colis postaux; elles règlent le mode de transmission de ces colis et arrêtent toutes les autres mesures de détail et d'ordre nécessaires pour assurer l'exécution de la présente Convention.*

XIII. L'Administration des Postes de France et l'Administration des Postes de Panama fixeront, d'un commun accord, d'après le régime établi par la Convention Internationale de Washington du 15 Juiv, 1897, les conditions auxquelles pourront être échangés

* See Règlement, page 853.

entre leurs bureaux d'échange respectifs les colis postaux originaires ou à destination des pays étrangers qui emprunteront l'intermédiaire de l'un des deux pays pour correspondre avec l'autre.

XIV. L'envoyeur d'un colis postal peut obtenir un avis de réception de cet objet en payant d'avance un droit de 25 centimes au maximum. Ce droit est acquis en entier à l'Administration du pays d'origine.

XV. Est réservé au Gouvernement Français le droit de faire exécuter les clauses de la présente Convention par les entreprises de chemins de fer et de navigation. Il pourra en même temps limiter ce service aux colis provenant ou à destination de localités desservies par ces entreprises.

L'Administration des Postes de France s'entendra avec les entreprises de chemins de fer et de navigation pour assurer la complète exécution, par ces dernières, de toutes les clauses de la Convention ci-dessus, et pour organiser le service d'échange.

Elle leur servira d'intermédiaire pour toutes leurs relations avec l'Administration des Postes de Panama.

XVI.—1. La présente Convention sera mise à exécution à partir du jour dont conviendront les Administrations des Postes des deux pays, après que la promulgation en aura été faite selon les lois particulières à chacun des deux États.

2. Elle demeurera obligatoire jusqu'à ce que l'une des deux Parties Contractantes ait annoncé à l'autre, mais un an à l'avance, son intention d'en faire cesser les effets.

XVII. La présente Convention sera ratifiée, et les ratifications en seront échangées aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, qu'ils ont revêtue de leurs cachets.

Fait à Panama, le 22 Août, 1904.

(L.S.) TOMAS ARIAS.

(L.S.) HENRI MOËT.

RÈGLEMENT DE DÉTAIL ET D'ORDRE pour l'exécution de la Convention concernant l'Échange des Colis Postaux sans Déclaration de Valeur, conclue entre la France et la République de Panama.—Panama, le 7 Septembre
Paris, le 28 Octobre, 1904.

LES Soussignés, vu l'Article XII de la Convention du 22 Août, 1904,* concernant l'échange des colis postaux sans déclaration de valeur, ont, au nom de leurs Administrations respectives, arrêté,

* See page 852.

d'un commun accord, les mesures suivantes pour assurer l'exécution de la dite Convention :—

1.—(1). L'échange des colis postaux s'effectuera par la voie des paquebots-poste Français.

(2.) Les Parties Contractantes se réservent toutefois de faire usage d'une autre voie, si elles en reconnaissent la nécessité.

(3.) Après entente, s'il en est besoin, avec les autres offices intéressés, chaque Administration communiquera à l'autre, par le moyen de Tableaux conformes au spécimen (A) ci-annexé et dans l'ordre suivant :—

(a.) Une liste des pays avec lesquels les colis postaux peuvent être échangés par son intermédiaire ;

(b.) Les voies par lesquelles ces colis peuvent être acheminés depuis leur point d'entrée sur son territoire ou dans son service ;

(c.) Le total des frais que l'Administration expéditrice doit payer pour chaque pays.

(4.) Au moyen du Tableau (A), chaque Administration fixe les voies à employer pour la transmission de ces colis postaux et détermine les taxes à percevoir des expéditeurs d'après les conditions dans lesquelles le transport intermédiaire s'effectue.

2.—(1.) La perception des droits d'affranchissement sera basée sur l'unité de 50 centimes, équivalente à 20 centavos argent.

(2.) En conséquence, la taxe à percevoir, aux termes des Articles III et V de la Convention, se décompose comme suit :—

(i.) Colis de la France pour Panama :

Pour chaque colis n'excédant pas 5 kilog. :

	Fr.	c.
Droit territorial Français	0	50
Droit territorial de Panama	0	50
Droit maritime	2	00
Surtaxe revenant à Panama	0	75
Total	3	75

(ii.) Colis de Panama pour la France :

Pour chaque colis n'excédant pas 5 kilog. :

	Fr.	c.
Droit territorial de Panama	0	50
Droit territorial Français	0	50
Droit maritime	2	00
Surtaxe revenant à Panama	0	75
Total	3	75

(3.) Lorsque l'affranchissement n'aura pas été effectuée au moyen de timbres-poste apposés sur le colis, la somme perçue devra être inscrite sur le bulletin d'expédition.

3. Les colis postaux ne peuvent avoir aucune dimension

supérieure à 60 centim., ni un volume supérieur à 25 décim. cubes. Par exception, sont admis, lorsqu'ils ne dépassent pas 1 mètre en longueur et 0·20 mètre en largeur ou épaisseur, les colis postaux qui renferment des parapluies, cannes, cartes, plans, ou objets similaires.

4.—(1.) Sont exclus du transport les colis contenant des matières explosibles ou inflammables et, en général, les articles dont le transport présente un danger quelconque, ainsi que les animaux vivants.

(2.) Chacune des deux Administrations devra fournir à l'autre une liste des articles prohibés, mais les Administrations n'encourent de ce fait aucune responsabilité vis-à-vis de la police, de la douane, ou des expéditeurs de colis.

5. Pour être admis au transport tout colis doit—

(1.) Porter l'adresse exacte du destinataire ;

(2.) Être emballé d'une manière qui réponde à la durée du transport et qui préserve suffisamment le contenu sans laisser une trace apparente de violation ;

(3.) Être scellé par un cachet à la cire, par un plomb, ou par tout autre moyen avec empreinte ou marque spéciale de l'expéditeur.

6.—(1.) Chaque colis doit être accompagné d'un bulletin d'expédition et de déclarations en douane conformes ou analogues aux modèles (B) et (C) ci-joints. Les deux Administrations se renseignent réciproquement sur le nombre de déclarations en douane à fournir pour chaque destination.

(2.) Toutefois, il est permis de ne faire usage que d'un seul bulletin d'expédition et d'une seule déclaration en douane pour plusieurs colis jusqu'au nombre de trois, adressés par un même expéditeur à un même destinataire.

(3.) La déclaration pour la douane doit être rédigée en langue Française.

7.—(1.) Chaque colis, ainsi que le bulletin d'expédition qui s'y rapporte, doit être revêtu d'une étiquette conforme ou analogue au modèle (D) ci-annexé, et indiquant le numéro de l'enregistrement et le nom du bureau de dépôt.

(2.) Le bulletin d'expédition doit, en outre, porter l'indication du lieu et de la date du dépôt.

8.—(1.) La transmission des colis postaux entre les bureaux d'échange s'opère de la manière suivante :—

Au départ de la France, l'agence maritime du port d'embarquement transmet les colis pour Panama dans des récipients clos ou à découvert.

Au départ de Panama, le service postal de Panama forme des récipients clos pour l'agence maritime du port de débarquement, dans

lesquels sont insérés tous les colis à destination de la France et des pays auxquels la France peut servir d'intermédiaire. L'office expéditeur forme, en outre, s'il y a lieu, d'autres récipients pour les divers ports auxquels les paquebots Français font escale.

(2.) Les récipients renfermant les colis expédiés de Panama sont embarqués à bord des paquebots-poste Français par les soins de l'office postal de Panama à qui il appartient d'accomplir les formalités de douane, s'il y a lieu.

(3.) Les colis, ou récipients de colis, apportés à Colon par les paquebots Français sont tenus à la disposition du représentant de l'office postal de Panama à bord des paquebots, et l'échange s'effectue le long du bord.

9. Les colis postaux sont inscrits par le bureau d'échange expéditeur sur une feuille de route conforme au modèle (E) annexé au présent Règlement, avec tous les détails que cette formule comporte. Les bulletins d'expédition et les déclarations en douane sont attachés à la feuille de route.

10.—(1.) A la réception d'une feuille de route le bureau d'échange destinataire procède à la vérification des colis postaux et des divers documents qui y sont inscrits, et, s'il y a lieu, opère la constatation des manquants ou autres irrégularités, en se conformant aux règles tracées pour les objets recommandés par l'Article IX du Règlement d'Exécution de l'Arrangement de 15 Juin, 1897, concernant les valeurs déclarées.*

(2.) Les récipients servant à la transmission sont revêtus des cachets ou plombs du bureau d'échange expéditeur, et ces cachets ou plombs ne doivent être rompus que par le bureau d'échange destinataire.

(3.) La responsabilité des avaries et manquants reconnus par le bureau d'échange d'arrivée, lors de l'ouverture des récipients, incombe à l'Administration dont dépend le bureau d'échange de départ, à moins qu'il ne soit établi que les avaries ou manquants se sont produits sur le parcours de l'Administration correspondante.

11.—(1.) Les colis postaux reçus en fausse direction seront réexpédiés à destination par la voie la plus directe dont peut disposer l'office réexpéditeur. Lorsque cette réexpédition entraîne restitution des colis à l'office d'origine, les bonifications inscrites à la feuille de route de cet office sont annulées, et le bureau d'échange réexpéditeur livre ces objets, pour mémoire, à son correspondant, après avoir signalé l'erreur par un bulletin de vérification. Dans le cas contraire, et si le montant bonifié à l'office réexpéditeur est insuffisant pour couvrir ce dernier des frais de réexpédition, cet office se crédite de la différence en forçant la somme inscrite à son

* Vol. XC, page 1100.

avoir sur la feuille de route de l'office expéditeur. Le motif de cette rectification est notifié au dit office au moyen d'un bulletin de vérification.

(2.) Les colis postaux réexpédiés, par suite de changement de résidence des destinataires, sur un des pays participant à l'échange des colis postaux avec la France sont grevés, à la charge des destinataires, par l'office distributeur, d'une taxe représentant la quote-part revenant à ce dernier office, à l'office réexpéditeur, et, s'il y a lieu, à chacun des offices intermédiaires.

L'office réexpéditeur se crédite de sa quote-part sur l'office intermédiaire ou sur l'office de la nouvelle destination, dans le cas où le pays de réexpédition et celui de la nouvelle destination ne sont pas limitrophes, le premier office intermédiaire qui reçoit un colis postal réexpédié se crédite du montant de sa quote-part et de celle de l'office réexpéditeur vis-à-vis de l'office auquel il livre cet objet; et ce dernier, à son tour, s'il n'est lui-même qu'un intermédiaire, répète sur l'office suivant sa propre quote-part, cumulée avec celles dont il a tenu compte à l'office précédent. La même opération se poursuit dans les rapports entre les divers offices participant au transport, jusqu'à ce que le colis postal parvienne à l'office distributeur. Toutefois, si la taxe exigible pour le parcours ultérieur d'un colis à réexpédier est acquittée au moment de la réexpédition, cet objet est traité comme s'il était adressé directement du pays réexpéditeur au pays de destination, et remis sans taxes postales au destinataire.

(3.) Les expéditeurs des colis tombés en rebut seront consultés sur la manière dont ils entendent en disposer. Les demandes d'avis seront échangées directement entre les deux Administrations centrales.

Les articles sujets à détérioration ou à corruption peuvent être vendus immédiatement, sans avis préalable et sans formalités judiciaires, au profit de qui de droit. Il est dressé procès-verbal de la vente.

Si, dans le délai de six mois, à partir de l'expédition de l'avis, l'office de destination n'a pas reçu des instructions suffisantes, le colis est renvoyé à l'office d'origine.

Les colis à renvoyer à l'expéditeur sont inscrits sur la feuille de route, avec la mention "rebut non livrable" dans la colonne d'observations. Ils sont traités et taxés comme les objets réexpédiés par suite de changement de résidence des destinataires.

(4.) Tout colis dont le destinataire est parti pour un pays ne participant pas à l'échange des colis postaux avec la France est traité comme rebut, à moins que l'office de la première destination ne soit en mesure de le faire parvenir.

(5.) Si l'une des prohibitions prévues à l'Article IX de la Con-

vention est constatée au cours des opérations d'échange, le colis est purement et simplement rendu au bureau d'échange expéditeur dans la forme prévue par le paragraphe 1^{er} du présent Article.

12.—(1.) Chaque Administration fait établir mensuellement par chacun de ses bureaux d'échange, et pour tous les envois reçus des bureaux d'échange correspondants, un état conforme au modèle (F) annexé au présent Règlement des sommes inscrites sur chaque feuille de route, soit à son crédit pour sa part personnelle et celle de chacune des Administrations intéressées, s'il y a lieu, dans les taxes perçues par l'office expéditeur, soit à son débit pour la part revenant à l'office réexpéditeur et aux offices intermédiaires, en cas de réexpédition et de rebut, dans les taxes à recouvrer des destinataires.

(2.) Les états (F) sont ensuite récapitulés par les soins de la même Administration dans un compte (G), également annexé au présent Règlement.

(3.) Ce compte, accompagné des états mensuels, des feuilles de route, et, s'il y a lieu, des bulletins de vérification y afférents, est soumis à l'examen de l'office correspondant dans le courant du mois qui suit celui auquel il se rapporte.

(4.) Les comptes mensuels, après avoir été vérifiés et acceptés de part et d'autre, y sont résumés dans un compte général trimestriel par les soins de l'Administration créditrice.

(5.) Le solde résultant de la balance des comptes réciproques entre les deux offices est payé par l'office débiteur à l'office créateur en francs effectifs et au moyen de traites tirées sur la capitale ou sur une place commerciale de ce dernier pays; les frais du paiement restent à la charge de l'office débiteur.

L'établissement, l'envoi, et le paiement des comptes doivent être effectués dans le plus bref délai possible, et, au plus tard, avant l'expiration du trimestre suivant. Passé ce délai, les sommes dues par l'un des deux offices à l'autre office sont productives d'intérêts à raison de 5 pour cent l'an à dater du jour de l'expiration du dit délai.

13. Le présent Règlement sera exécutoire à partir du jour de la mise en vigueur de la Convention du [22 Août, 1904]. Il aura la même durée que cette Convention, à moins qu'il ne soit renouvelé d'un commun accord entre les deux Administrations.

Fait en double expédition, à Panama, le 7 Septembre, 1904; et à Paris, le 28 Octobre, 1904.

TOMAS ARIAS, *Directeur-Général des Postes et des Télégraphes de Panama.*

BERARD, *Sous-Secrétaire d'État des Postes et des Télégraphes de France.*

*FRENCH DECREE attaching the Isles de Los to the Government of French West Africa.—Paris, July 4, 1905.**

LE Président de la République Française,

Sur le rapport du Ministre des Colonies,

Vu le Décret du 18 Octobre, 1904,† réorganisant le gouvernement général de l'Afrique occidentale Française ;

Vu la Convention Franco-Anglaise du 8 Avril, 1904,‡ approuvée par Décret du 9 Décembre, 1904 ;

Vu la dépêche ministérielle du 31 Janvier, 1905, relative à la remise à la France des îles de Los par le Gouvernement Britannique ;

Vu le procès-verbal, en date du 2 Mai, 1905, constatant que cette remise a été effectuée par M. Viret, Receveur des Douanes et membre du Conseil Exécutif de Sierra-Léone, Délégué du Gouvernement de Sa Majesté Britannique, à M. Lejeune, Administrateur Adjoint de première classe des Colonies, Sous-Chef du Cabinet du Gouverneur-Général, Délégué du Gouvernement de la République Française,

Décète :

ART. 1. Les Iles de Los sont rattachées au gouvernement général de l'Afrique occidentale Française.

2. Le Ministre des Colonies est chargé de l'exécution du présent Décret.

Fait à Paris, le 4 Juillet, 1905.

ÉMILE LOUBET.

Par le Président de la République :

CLÉMENTEL, *Ministre des Colonies.*

CONVENTION entre la Suisse et l'Empire Allemand, concernant l'établissement de Bureaux de Douane Allemands dans les Gares situées à Bâle sur la rive gauche du Rhin.— Signée à Berne, le 16 Août, 1905.

[Ratifications échangées à Berne, le 14 Février, 1906.]

LE Conseil Fédéral de la Confédération Suisse, d'une part, et Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, agissant au

* "Journal Officiel," July 8, 1905.

† Vol. XCVII, page 967.

‡ Vol. XCVII, page 31.

nom de l'Empire Allemand, d'autre part; animés du désir de faciliter, comme jusqu'ici, après l'achèvement des nouvelles installations de gare des chemins de fer fédéraux, à Bâle, l'expédition douanière du trafic entre les deux États, ont fait ouvrir dans ce but des négociations et ont nommé pour leurs Plénipotentiaires :

Le Conseil Fédéral de la Confédération Suisse: M. Marc Ruchet, Président de la Confédération ;

Sa Majesté l'Empereur d'Allemagne et Roi de Prusse: son Excellence M. le Dr. Alfred von Bülow, Conseiller intime actuel, Envoyé Extraordinaire et Ministre Plénipotentiaire de l'Empire d'Allemagne auprès de la Confédération Suisse ;

Lesquels ont négocié et arrêté la Convention suivante :—

ART. I. Il sera établi dans les gares situées à Bâle, sur la rive gauche du Rhin et sur le territoire Suisse, des Bureaux de Douane Impériaux (d'Alsace-Lorraine), savoir :

1. Dans la gare aux voyageurs des chemins de fer fédéraux, un Bureau de Douane pour la visite et l'expédition douanière des voyageurs qui partent pour l'Allemagne viâ Saint-Louis et de leurs bagages, ainsi que pour l'expédition douanière des colis de poste et de messagerie destinés à être importés en Allemagne par Saint-Louis ;

2. Un second Bureau de Douane dans la gare aux voyageurs des chemins de fer fédéraux pour tout le service des marchandises en grande vitesse ;

3. Un Bureau de Douane dans la gare aux marchandises de Saint-Jean, pour les trains de marchandises venant d'Allemagne ou y allant, ainsi que pour les marchandises en petite vitesse en provenance d'Allemagne et à destination de Bâle-loco ou *vice versa*, ainsi que pour le mouvement des voyageurs, des bagages et des marchandises en grande vitesse partant de la gare Saint-Jean pour l'Allemagne viâ Saint-Louis, pour le cas où la gare de Saint-Jean serait aussi ouverte au trafic des voyageurs, des bagages et des marchandises en grande vitesse ;

4. Un Bureau de Douane dans la gare aux marchandises et de triage sur le Wolf, pour la visite préliminaire des trains de marchandises en partance pour l'Allemagne, ainsi que pour l'expédition douanière des marchandises en petite vitesse.

Ces Bureaux de Douane, placés sous les ordres de fonctionnaires supérieurs des douanes, sont autorisés à procéder, à l'importation et à l'exportation, à toutes les expéditions douanières qu'exigera le trafic et à toutes les opérations y relatives, à teneur des lois, règlements, et ordonnances qui régissent cette matière dans l'Alsace-Lorraine.

Les modifications que subiraient ces prescriptions seront portées aussitôt que possible à la connaissance du public par les autorités douanières Allemandes à Bâle.

Les vétérinaires Allemands, de service aux Bureaux de Douane Allemands désignés ci-dessus, sont autorisés à procéder au contrôle sanitaire des animaux destinés à entrer en Allemagne, ainsi qu'à l'examen de la viande destinée à l'importation en Allemagne, aussi sous le rapport de la trichinose, le tout à teneur des lois, règlements, et ordonnances en vigueur pour l'Alsace-Lorraine. Les dispositions des Articles V, VIII, X et XI ci-après s'appliquent aussi aux vétérinaires.

II. L'autorité douanière Allemande a le droit, en suite d'entente avec l'administration des chemins de fer fédéraux, de faire fermer au public les salles de visite et de lui interdire l'accès des quais et des voies où stationnent des trains prêts à partir pour l'Allemagne. L'introduction, dans les parties des installations de la gare réservées au service de la Douane Allemande, de marchandises passibles de droits ou dont l'importation en Allemagne est prohibée ou n'est permise qu'à certaines conditions, tombe sous le coup des mêmes pénalités que l'introduction de ces marchandises sur le territoire Allemand.

L'autorité douanière Allemande a seule le droit de maintenir l'ordre dans les halles, rampes, salles de visite, locaux de service et sur les voies affectées à la visite des trains qui, à teneur de l'entente avec l'administration des chemins de fer fédéraux, sont attribués au service de la Douane Allemande ; elle a de même le droit d'expulser de ces locaux et installations les personnes qui y troublent l'ordre. En ce qui concerne les halles pour les marchandises soumises à la Douane Allemande, l'autorité douanière Allemande a le droit d'y apposer aussi une fermeture à elle, sans qu'il en résulte pour elle de responsabilité, vis-à-vis des propriétaires, pour la garde des marchandises contenues dans ces locaux.

Les fonctionnaires et employés de la Confédération Suisse et du canton de Bâle-ville auront accès en tout temps, pour l'exercice de leurs fonctions officielles, dans les parties des installations de la gare (halles douanières, rampes, salles de visite, locaux de service, quais, voies, &c.), attribuées aux autorités douanières Allemandes ou exclusivement réservées au service de la Douane Allemande, pourvu qu'ils portent des insignes permettant de les reconnaître comme fonctionnaires et employés, ou qu'ils puissent, sur demande, justifier leur présence pour affaire de service. Ils ne peuvent apporter avec eux, dans les parties réservées de la gare, des objets passibles de droits.

III. Les autorités douanières Allemandes ont le droit de procéder à des enquêtes sur les cas d'infraction à la législation douanière Allemande, ou de violation des restrictions ou des défenses d'importation que feraient découvrir, sur territoire Suisse, les opérations de contrôle douanier auxquelles il sera procédé sur le

dit territoire à teneur de l'Article I ci-dessus ; ces autorités ont le droit de séquestrer les marchandises et effets en connexion avec ces délits, de juger ces délits et infractions d'après les dispositions pénales du droit qui fait règle pour l'Alsace-Lorraine, et de saisir à titre de gage, à l'intérieur des salles de visite et halles douanières, les marchandises et effets des délinquants pour assurer le paiement des amendes qui seront ou ont été prononcées, ainsi que pour garantir le paiement de taxes dues de tout genre.

L'autorité douanière Allemande peut transporter sur territoire Allemand les objets séquestrés ou saisis à titre de gage, ou les faire vendre aux enchères publiques à Bâle, par le ministère d'un fonctionnaire Suisse compétent.

IV. A la demande qui leur en sera faite par l'autorité Allemande en suite de contravention aux lois douanières Allemandes et aux lois sur l'importation, découverte par les Bureaux de Douane Allemands énumérés à l'Article I, les autorités Suisses compétentes procéderont :

(a.) A l'audition de témoins et d'experts ;

(b.) A des reconnaissances officielles, dont elles certifieront le résultat ;

(c.) A la notification aux accusés, même s'ils sont Suisses, de citations et de prononcés de l'autorité Allemande.

V. Les autorités Suisses accorderont aux fonctionnaires des Douanes Allemandes, de service sur territoire Suisse en conformité des Articles I à III, la protection de police dont ils auront besoin et déféreront aux demandes y relatives de ces fonctionnaires ou de leurs supérieurs de la même manière que si elles en étaient requises par des fonctionnaires des Douanes Suisses.

VI. Il sera pris des mesures pour que la Douane Allemande et la Douane Suisse puissent procéder, autant que possible immédiatement l'une après l'autre, à l'expédition douanière des marchandises ; à cet effet, les fonctionnaires de Douane de l'un des pays auront accès dans les halles douanières à marchandises de l'autre pays, et il leur sera réservé une place pour faire leurs écritures.

VII. Les autorités douanières des deux États agiront de concert pour empêcher les fraudes dans le trafic passible de droits et pour amener la découverte des infractions aux lois et prescriptions. A cet effet les fonctionnaires compétents s'empresseront de donner les renseignements qui leur seront demandés et permettront que les registres, livres et papiers relatifs au mouvement des marchandises soient consultés.

VIII. Durant son séjour sur territoire Suisse en conformité des dispositions qui précèdent, le personnel des Douanes Allemandes est soumis aux lois Suisses, ainsi qu'à la juridiction et à la police

Suisses, en tant qu'il ne s'agit pas de l'exercice de ses fonctions, de la discipline, d'infractions ou de délits concernant le service.

Le paiement du traitement des fonctionnaires de la Douane Allemande à Bâle peut se faire en argent Allemand.

Les fonctionnaires de la Douane Allemande à Bâle sont exemptés de toute prestation personnelle, y compris le service militaire, ou de tout autre service organisé militairement.

IX. Les fonctionnaires de la Douane Impériale Allemande (d'Alsace-Lorraine) de service à Bâle sont autorisés à porter l'uniforme, qu'ils soient en service ou non; ils ne peuvent toutefois porter d'armes que pour la garde des marchandises et des caisses pendant la nuit, pour l'escorte des trains, ainsi qu'à leur rentrée de ce service. L'Inspecteur-Général dont relèvent les bureaux Impériaux de la Douane Allemande (d'Alsace-Lorraine) et les fonctionnaires supérieurs qui dirigent le service de ces divers bureaux peuvent porter en tout temps, avec l'uniforme, le sabre de service prescrit.

X. Tous les objets nécessaires au service, expédiés du territoire Allemand à l'autorité douanière Impériale Allemande (d'Alsace-Lorraine), à Bâle, sont exempts de droits d'entrée et de taxes.

L'autorité douanière Impériale Allemande (d'Alsace-Lorraine), à Bâle, a le droit de remettre au personnel Allemand chargé de l'expédition de la messagerie à Bâle, sans passer par l'intermédiaire de l'administration des postes Suisses, les lettres et envois postaux de service qu'elle expédie en Allemagne, à l'exclusion de la correspondance particulière des fonctionnaires et employés de la Douane.

Il ne sera perçu sur ces envois de service que le port qui aurait été perçu si ces envois avaient été consignés sur le territoire postal Allemand.

XI. Les fonctionnaires de la Douane Impériale Allemande (d'Alsace-Lorraine) transférés à Bâle sont exemptés des droits d'entrée pour les effets de déménagement usagés qu'ils amènent avec eux pour leur usage.

XII. La présente Convention est conclue pour durer jusqu'au 31 Mars, 1908, et restera en vigueur après cette date, à moins qu'elle ne soit dénoncée par l'une des Parties Contractantes.

La résiliation doit être dénoncée douze mois au moins à l'avance, et ne peut être notifiée que pour le 31 Mars de l'année 1909 ou d'une année subséquente.

Cette Convention annule et remplace :

1. La Convention du 7 Août, 1873, entre la Suisse et l'Empire Allemand concernant l'établissement d'un Bureau Allemand d'Expédition Douanière à la gare du Central, à Bâle;

2. Le complément à la dite Convention du 23 Octobre, 1876.

XIII. La présente Convention sera ratifiée, et les ratifications seront échangées, à Berne, aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires des deux États ont signé la présente Convention, expédiée en deux exemplaires, et y ont apposé leurs sceaux.

Fait à Berne, le 16 Août, 1905.

(L.S.) RUCHET.

(L.S.) A. VON BÜLOW.

*COMMERCIAL CONVENTION, Protocol, and Declaration
between Great Britain and Bulgaria.—Signed at Sofia,
December 9, 1905.**

[Ratifications exchanged at Sofia, November 26, 1907.]

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, on the one part, and His Royal Highness the Prince of Bulgaria on the other part, being desirous to extend and facilitate the relations of commerce already existing between the two countries, have determined to conclude a new Convention with this object, and have appointed as their Plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Sir George William Buchanan, Knight Commander of the Royal Victorian Order, Companion of the Most Honourable Order of the Bath, His Britannic Majesty's Agent and Consul-General at Sofia; and

His Royal Highness the Prince of Bulgaria, M. Dimitri Stancioff, Doctor at Law, Minister Plenipotentiary, Grand Cross of the National Order for Merit, Grand Officer of the Princely Order of St. Alexander in brilliants;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.† There shall be full and complete freedom of commerce and navigation between the territories of the two Contracting Parties.

The subjects of each of the two Contracting Parties shall not be

* Signed also in the French language.

† See Final Protocol, page 874.

subject, in respect of their commerce or industry in any port, town, or place of the respective countries, whether they may be established or temporarily residing in them, to any taxes, imposts, or licences of any kind whatever other or greater than those which may be imposed upon native subjects or subjects or citizens of the most favoured nation.

Any privileges, immunities, and other favours in matters of commerce, industry, and navigation which are or may be enjoyed by the native subjects of one of the Contracting Parties, shall be extended to those of the other.

II. The subjects of either of the two Contracting Parties in the territories of the other shall be exempted from all military service and from any military exactions and requisitions.

The charges connected with the possession, by any title, of landed property, are excepted, as well as the military exactions and requisitions to which all subjects of the country and subjects or citizens of the most favoured nation may be liable as owners or occupiers of real property.

They shall be equally exempted from all obligatory official functions whatever—judicial, administrative, or municipal, other than those imposed by the laws relating to juries.

III.* The subjects of each of the Contracting Parties, in any place whatever in the possessions of the other, shall have the right to exercise any kind of industry whatever, to carry on trade, either wholesale or retail, in all products, manufactured objects and articles of lawful commerce, either in person or by their agents, alone or in partnership with foreigners or native subjects; they shall have the right to acquire, hire, and occupy houses and shops, to acquire, hire, and possess land, subject to their conforming, like native subjects themselves or subjects or citizens of the most favoured nation, to the laws and regulations of the respective countries.

IV.* Each of the two Contracting Parties engages to extend to the other, immediately and without compensation, any favour, privilege, or reduction as regards the tariffs of import or export duties on articles whether mentioned or not in the present Convention, which is or may be granted by one of them to a third foreign Power.

The Contracting Parties further engage not to establish towards each other, except on sanitary grounds or to prevent the spread of the diseases of animals or the destruction of crops, or in the case of bounty-fed goods, or in view of warlike events, any duty or prohibition on importation or exportation which shall not at the same time be applicable to other foreign States.

* See Final Protocol, page 874.

British subjects and goods in Bulgaria, and Bulgarian subjects and goods in the United Kingdom of Great Britain and Ireland, shall enjoy perfect equality of treatment with native subjects and goods and with the subjects or citizens and goods of any other foreign country in all that concerns consumption, warehousing, bounties, drawbacks, facilities, re-exportation, transit, transshipment, the accomplishment of Customs formalities, and, in general, in all that relates to the exercise of commerce or industry.

V. Merchandize of Bulgarian origin or manufacture shall be admitted, on importation into the United Kingdom of Great Britain and Ireland, to the enjoyment of the advantages of the lowest duties applicable to similar merchandize originating from other foreign countries, which are or may be established.

Merchandize of British origin or manufacture shall pay, on its entry into Bulgaria, the duties specified in the Tariff annexed to the present Convention.

VI.* The internal duties levied on account of the State, communes, or corporations, which are or shall be imposed on the produce, manufacture, or consumption of an article in the territories of one of the Contracting Parties shall not, under any pretence whatever, be applied to the produce of the other to a higher or more vexatious extent than to the native produce of the same kind or the produce of the most favoured nation.

The produce of the soil and industry of one of the countries imported into the other for the purpose of warehousing or transit shall not be subjected to any internal duty.

VII.† The stipulation of this Convention with regard to the granting of the treatment of the most favoured nation applies unconditionally to the treatment of commercial travellers and their samples.

It is agreed that the legitimation certificates for commercial travellers representing British houses can be granted by Chambers of Commerce in the United Kingdom, according to the form appended hereto. Commercial travellers must be provided, in accordance with Article 6 of the Bulgarian Law of the ^{26th March,} 1905, relating to commercial travellers, with a special licence, the _{8th April,} tax on which, levied for the profit of the State, shall not exceed 150 fr. for the entire year and 100 fr. for six months, if the commercial traveller represents a single commercial house. If he represents more than one, this tax is increased by an additional 100 fr. for the whole year and by 50 fr. for six months.

It is understood that these taxes are only payable by the house of business, and that, in consequence, the tax is only to be paid once, whether the house of business sends one or several commercial travellers in its service.

* See Final Protocol, page 874.

† See Annex, page 889.

VIII. Bulgarian vessels and their cargoes in the United Kingdom, and British vessels and their cargoes in Bulgaria, whether arriving directly from the country of origin or from any other country, and whatever may be the place of origin or the destination of their cargoes, shall enjoy in all respects the same treatment as national vessels and their cargoes.

No duties, taxes, or charges of any kind levied under any denomination, on the hull, the flag, or the cargo of a vessel, in the name or for the profit of Government, public functionaries, individuals, corporations, or establishments of any kind, shall be imposed on the vessels of one of the two States in the ports of the other on their arrival, during their stay, or on their departure, which are not equally and under the same conditions imposed on national vessels.

IX. All vessels which, according to British law, are deemed to be British vessels, and all vessels which, according to Bulgarian law, are deemed to be Bulgarian vessels, shall, for the purposes of the present Convention, be deemed British and Bulgarian vessels respectively.

X. In all that regards the stationing, loading, and unloading of vessels in the ports, roadsteads, harbours, docks, rivers, or canals, and generally in respect of all the formalities and provisions of all kinds applicable to merchant-vessels, their crews and cargoes, no privileges or favours shall be granted to national vessels of either State which shall not be equally granted to vessels of the other, the intention of the Contracting Parties being that in this respect British and Bulgarian vessels shall be treated on the footing of perfect equality, and shall reciprocally enjoy the advantages granted to the most favoured nation.

XI. Bulgarian vessels entering a British port, and, reciprocally, British vessels entering a Bulgarian port, for the purpose of discharging a portion only of their cargo, may, on compliance with the Laws and Regulations of the respective States, retain on board that portion of their cargo which is destined for another port, whether in the same or in another country, and may re-export the same without having to pay any customs duty for this latter portion of their cargo.

XII. Vessels of either of the Contracting States shall enjoy in the other the treatment accorded to the most favoured nation in all that concerns the coasting trade.

British and Bulgarian vessels may proceed from a port of either of the two States to one or more ports of the same State, either for the purpose of discharging the whole or part of their cargo brought from abroad or of taking on board the whole or part of their cargo for a foreign destination.

XIII. British ships and goods in Bulgaria, and Bulgarian ships and goods in the United Kingdom, shall enjoy, as regards tonnage, port, pilotage, light, and quarantine dues, and all similar duties levied in the ports, docks, roadsteads, and harbours of the contracting countries, and in all other respects, the same treatment as native ships and goods and as those belonging to the most favoured nation.

XIV.* Any vessel of either of the two States which may be compelled by stress of weather or by accident at sea to take shelter in a port of the other State shall be at liberty to refit there, to procure all necessary stores, and to put to sea again without paying any dues other than such as would be payable in a similar case by a vessel under the national flag.

In case of wreck or running aground, the vessel, or the parts thereof, the ship's papers, and all goods and merchandize saved from the wreck or the proceeds thereof, if sold, shall be given up to the owners or their agents, when claimed by them.

The intervention of the local authorities in salvage operations shall not give rise to the payment of dues of any kind other than those necessitated by the salvage operations and the preservation of the property saved, or other than those to which national vessels would be subjected in a similar case.

The Contracting Parties agree, moreover, that merchandize and goods saved shall not be subjected to the payment of any customs duty unless destined for internal consumption.

XV. The subjects of each of the Contracting States shall enjoy in the other the same protection as native subjects in all that concerns the ownership of trade and commercial marks, upon fulfilment of the formalities prescribed by the respective laws of the two countries as regards this matter.

XVI. The stipulations of the present Convention do not apply to the advantages which are or may be accorded to the produce of national fisheries.

Nevertheless, the subjects of the two Contracting Parties shall enjoy the treatment of the most favoured nation in this matter.

XVII. The preceding provisions do not apply to—

1. The favours already granted, or which may be granted in the future, to adjoining States to facilitate local traffic within a zone corresponding to the frontier district of each of the two countries, but not exceeding 15 kilom. in breadth on each side of the frontier ;

2. The obligations imposed on one of the two Contracting Parties by the stipulations of a Customs Union already concluded or which may be concluded in the future.

XVIII.† Any controversies which may arise between the

* See Annex, page 890,

† See Final Protocol, page 879.

Contracting Parties regarding the interpretation or application of the Tariffs annexed to the present Convention, including the additional stipulations concerning these Tariffs, as well as the rates of the Conventional Tariffs agreed upon between the Contracting Parties and third States, shall, on the demand of one or the other of the Contracting Parties, be adjusted by means of arbitration.

The Court of Arbitration shall, in each case, be constituted by each of the Contracting Parties naming an Arbitrator from among the competent subjects of its country, and by the two Contracting Parties choosing a subject of a third friendly country to act as Umpire. The Contracting Parties reserve the right to come to an understanding in advance and for a given period upon the choice of the person to be appointed as Umpire.

Should occasion require, and subject to a special understanding to that effect, the Contracting Parties will equally submit to arbitration controversies regarding the interpretation or application of the present Convention, other than those which are mentioned in the first paragraph.

XIX. The Annexes as well as the Final Protocol shall be considered as forming an integral part of the present Convention.

XX. The stipulations of the present Convention shall not be applicable to any Colony, possession, or Protectorate of His Britannic Majesty beyond the Seas, unless notice to that effect shall have been given on behalf of any such Colony, possession, or Protectorate, by His Britannic Majesty's Representative at Sofia, to the Minister for Foreign Affairs of His Royal Highness the Prince of Bulgaria, within one year from the date of the exchange of the ratifications of the present Convention.

Nevertheless, the goods produced or manufactured in any of His Britannic Majesty's Colonies, possessions, or Protectorates shall enjoy in Bulgaria complete and unconditional most-favoured-nation treatment so long as such Colony, possession, or Protectorate shall accord to goods of Bulgarian origin or manufacture treatment as favourable as it gives to the similar produce or manufacture of any other foreign country.

His Britannic Majesty's Government shall also have the right to terminate separately the present Convention, at any time, on giving twelve months' notice to that effect, on behalf of any British Colony, possession, or Protectorate which may have adhered thereto.

It is understood that the provisions of this Article apply equally to the Island of Cyprus.

XXI. The present Convention shall be ratified, and the ratifications shall be exchanged at Sofia as soon as possible. It shall come into effect on the $\frac{1st}{14th}$ January, 1906; it shall remain in force until the $\frac{1st}{14th}$ January, 1911.

In case neither of the Contracting Parties shall have given notice to the other, twelve months before the expiration of the said period, of the intention to terminate the present Convention, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

(L.S.) GEORGE W. BUCHANAN.

Sofia, December 9, 1905.

(L.S.) STANCIOFF.

Sofia, ^{26 Novembre}_{9 Décembre}, 1905.

(Modèle.)

Carte de Légitimation pour Voyageurs de Commerce.

(Armoiries.)

Pour l'année . . .

No. de la carte . . .

Valable pour le Royaume-Uni de la Grande-Bretagne et
d'Irlande et la Bulgare.

Porteur.

(Prénom et nom de famille.)

Fait à

, le [jour, mois, année.]

(Sceau.)

(Autorité compétente.)

Signature.

Il est certifié que le porteur de la présente carte
 { possède un [désignation de la fabrique ou du commerce] à
 { sous la raison
 { est employé, comme voyageur de commerce, dans la maison
 { à , qui y possède un [désignation de la fabrique ou du
 { commerce].

Le porteur de la présente carte désirant rechercher des commandes et faire des achats pour le compte de sa maison, ainsi que de la maison suivante [désignation de la fabrique ou du commerce], à des maisons suivantes

, il est certifié, en outre, que la dite maison est tenue
 les dites maisons sont tenues
 d'acquitter dans ce pays-ci les impôts légaux pour l'exercice de
 son commerce [industrie].
 leur

Signalement du Porteur.

Age.....
 Taille.....
 Cheveux.....
 Signes particuliers.....

(Signature.

Avis.

Le porteur de la présente carte ne pourra rechercher des commandes ou faire des achats autrement qu'en voyageant et pour le compte de la maison susmentionnée. Il pourra avoir avec lui des des maisons susmentionnées échantillons, mais point de marchandises. Il se conformera, d'ailleurs, aux dispositions en vigueur dans chaque État.

Nota.—Là où le modèle ci-dessus contient un double texte, le formulaire à employer pour l'expédition des cartes présentera l'espace nécessaire pour y insérer l'un ou l'autre des textes, suivant les circonstances du cas particulier.

TARIFF.

Import Duties in Bulgaria.

In so far as the tax on any article depends on the taxation of any other article specified in the present Tariff, such tax shall be calculated according to the rate laid down in the Convention, and not according to the tax specified in the General Bulgarian Tariff.

During the term of the Convention signed on the 9th December, 1905, the import duties on the goods specified below shall not exceed the rates scheduled as follows :—

Tariff Number.	Classification.	Duty per 100 kilog.
		Fr. c.
	<i>Articles of Food.</i>	
40	Rice —	
	(a.) Hulled	5 00
	(b.) Unhulled	4 00
109	Fruit jams, compôtes, marmalades, with sugar or honey, fruit pastes called "Majune" ..	40 00
110	Sweets of all kinds, and preserved fruits.. ..	60 00
115	Sweet biscuits of all kinds.. .. .	30 00

Tariff Number.	Classification.	Duty per 100 kilog.
	<i>Miscellaneous.</i>	Fr. c.
134	Soap—	
	(a.) For washing and other ordinary use ..	12 00
294	Prepared hides and skins—	
	(a.) Sole leather of all sorts and qualities, entire, in half-skins, or in pieces, not specified; imitation leather made from leather parings	80 00
	(f.) Split leather of all kinds	150 00
	<i>Cotton: Raw Cotton, Cotton Yarns, and Tissues.</i>	
355	Cotton, raw, carded, or combed, and cotton waste	20 00
	Cotton, raw, imported into Bulgaria under the conditions provided in the Law of the 25th January, 1905, for the encouragement of national industry and commerce	Free.
358	Cotton yarns, single, "Soulan," unbleached—	
	(b.) From No. 15 to No. 24 inclusive	25 00
359	Cotton yarns, twisted, unbleached—	
	(b.) From No. 15 to No. 24, inclusive	30 00
360	Cotton yarns, twisted or not, bleached—	
	(b.) From No. 15 to No. 24, inclusive	35 00
361	Cotton yarns, twisted or not, dyed in one or more colours—	
	(b.) From No. 15 to No. 24, inclusive	45 00
362	"Fils de tiré" (sewings) and twisted yarns in hanks—	
	(a.) Bleached	36 00
	(b.) Dyed	60 00
363	Cotton, sewing, and crochet thread, in balls, on bobbins or cards, in skeins, or in other forms, bleached or dyed.. .. .	90 00
365	Cotton tissues, unbleached.. .. .	40 00
366	Cotton tissues, bleached or dyed after weaving, of one colour, plain or twilled, with the exception of those specially mentioned	55 00
367	Cotton tissues, manufactured with yarn dyed in one or several colours	65 00
368	Cotton tissues known as "Barchets," "Calmuks," flannels ("maillots") and quiltings, cotton tissues printed (calicoes), damasked or not, cambrics and cretonnes, printed handkerchiefs and coverings in the piece, reps and other similar tissues, printed	75 00
ex 368	Flannelettes, printed, weighing from 140 to 200 grammes per square metre	70 00
369	Fine cotton tissues, woven, embroidered, bleached or not, dyed or printed, with the exception of tulles and laces	100 00
371	Velvets and plushes of cotton	140 00
372	Curtains, coverings, handkerchiefs, towels, sheets, and other similar articles, in the piece, dyed or not, combined or not with threads of common metals, and with other threads of vegetable textiles	100 00
376	Cotton laces, tulles, and embroideries, pure or mixed with other vegetable textiles and with threads of common metals, gilded or silvered..	350 00

Tariff Number.	Classification.	Duty per 100 kilog.
		Fr. c.
	<i>Jute Tissues.</i>	
399	Jute tissues—	
	(a.) For packing for mattresses, &c.	12 00
400	Bags and sacks of jute tissue	10 00
	<i>Remark.</i> —Sacks for use in the export of cereals are free.	
402	Jute carpets of all sorts, smooth or knotted ..	65 00
	<i>Woollen and Worsted Tissues.</i>	
338	Tissues, woven and knitted stuffs, of wool or of other animal hair, mixed or not with cotton and other textiles—	
	1. Weighing more than 500 grammes per square metre—	
	(a.) Imitating Bulgarian woollen tissues, "Shayak" and "Aba"	150 00
	(b.) Other tissues weighing more than 500 grammes per square metre	200 00
	<i>Note.</i> —Tissues and stuffs in which the warp is entirely of cotton shall benefit by a reduction of 15 per cent.	
	2. Weighing from 250 to 500 grammes per square metre	275 00
	3. Weighing 250 grammes and less per square metre	250 00
	<i>Note.</i> —The 15 per cent. reduction on stuffs with cotton warps is not applicable to made-up woollen goods.	
	<i>Iron, Steel, and Manufactured Metal Goods.</i>	
452	Tin plates and sheet-iron, tinned, galvanized, or coated with zinc or lead	4 00
	Sheet-iron, coppered, polished, or painted ..	8 00
468	Iron or cast-iron bedsteads, ordinary, painted in one colour, and even with ornaments in relief ..	10 00
469	Cast- or wrought-iron bedsteads, with ornaments, coloured, lacquered, with paintings, treated by "transfer process," hand-worked, bronzed, but not gilt or silvered	20 00
487	(a.) Sewing machines and knitting machines, as well as their parts and accessories	26 50
490	Agricultural machines and implements—	
	ex (b.) Machines for sowing, reaping, and mowing	Free.
	ex (b.) Machines for crushing, for cleaning grain, and harrows	5 00
	<i>Note to Nos. 489 to 492.</i> —Machinery imported into Bulgaria under the conditions prescribed by the Law of January 25, 1905, for the encouragement of national industries and commerce: Free.	
ex 192	Sheep dip	15 00

FINAL PROTOCOL.

On proceeding to sign the Commercial Convention concluded this day, the Undersigned have agreed as follows:—

Ad Article I.

No customs duties or other dues or charges shall be levied on the sea or Danube frontiers different from or higher than those which are levied on any of the land frontiers on similar articles.

Ad Article III.

The stipulations of Article III relative to the free exercise of any trade or industry shall not apply in Bulgaria to village tavern keepers, apothecaries, brokers, pedlars, and hawkers.

Ad Article IV.

It is understood that the term “bounty” mentioned in the second paragraph of this Article does not apply to the benefits which are accorded to national industries in Bulgaria by virtue of the Bulgarian Law of the ^{25th January,} 1905, for the encouragement of national industries, the case of sugar excepted.
7th February.

*Ad Article VI.**Octroi and Excise Duties.*

Articles of British origin or manufacture shall, on their entrance into Bulgaria, be subjected to the octroi and excise duties prescribed by the Law of the ^{31st January,} 1905, on excise, and by the Law of the ^{20th January,} 1900, on octroi, as modified by those of the ^{30th December, 1903} 12th January, 1904, and the ^{28th March} 10th April, 1905.

The rates of these duties are given in the subjoined Table for the purpose of reference:—

TABLE of Articles subject to Excise Duty in conformity with the Law of January 31, 1905.
February 13,

No.	Articles Dutiable.	Units.	Duties.	
			Fr.	c.
1	Native or foreign alcohol <i>Remark.</i> —Alcoholic strength is fixed by the alcoholometer of Gay-Lussac and at 15 degrees Celsius.	For each degré and decalitre	0	10
2	Petroleum and other mineral oils for lighting purposes <i>Remark.</i> —All vegetable oils imported which contain petroleum or other mineral oils for lighting purposes are only taxed on the amount of petroleum or mineral oil which they contain. The specific gravity and flash-point (lower and higher degrees) of petroleum, as well as of all other mineral oils for lighting purposes subject to excise duty, will be determined by the Minister of Finance. Petroleum, benzine, and other mineral oils used by gas-motors in the industrial establishments of the country, or employed in the preparation of other objects, are exempted from excise duty. The Minister of Finance will fix the manner in which the control of such oils shall be effected, as well as the conditions under which the excise duties levied on them shall be refunded.	100 kilog.	5	00
3	Sugar of all descriptions and qualities; fruit and starch glucose; syrups of sugar and other similar products, whether native or foreign <i>Remark.</i> —Molasses are exempted from excise duty if they do not contain more than 55 per cent. of sugar, nor less than 26 per cent. of foreign matter, with the remainder water.	100 "	20	00
4	Sweets of all kinds, imported from abroad: Bonbons, chocolate, halva (called tahin), rahat-loucoum, &c. (a.) All kinds of coffee (b.) Substitutes for coffee, "frank-café," chicory, cocoa in powder, or in any other form; roasted barley malt Foreign or native beer	100 " 100 " 100 " 100 litres	40 50 20	00 00 00 5

No.	Articles Dutiable.	Units.	Duties.	
			Fr.	c.
7	Foreign spirits: Rum, cognac, bitters, absinthe, liqueurs of all kinds, slivovitz, mastic, &c., having an alcoholic strength up to 40 degrees Gay-Lussac at 15 degrees Celsius The same spirits, with an alcoholic strength of over 40 degrees, are taxed as alcohols, according to Article I.	100 litres	40	00
8	Olive oil and substitutes therefor, used for food	100 kilog.	10	00
9	Tea	100 "	100	00
10	(a.) Toilet and perfumed soaps <i>Remark.</i> —In this article are comprised all medicina soaps.	100 "	100	00
	(b.) Aromatic oils, essences, pomades, powders			
11	Candles of stearine and spermaceti, fancy candles	100 "	300	00
12	Playing cards, per dozen (twelve packs) <i>Remark.</i> —Playing cards, whether imported or made in the country, on which the excise duty has been levied, must have the Customs seal stamped on the "ace of diamonds" of each pack in the case of foreign cards, and the seal of the Excise officers in the case of native-made cards.	100 "	20	00
			12	00
13	Preserved fish of all kinds	100 kilog.	50	00
14	Black caviar	100 "	100	00
15	All kinds of preserved provisions	100 "	50	00
16	Seltzer-water and lemonade	1 litre	0	04
17	Foreign wines— (a.) In casks (b.) In bottles or other receptacles— 1. Sparkling 2. Other kinds <i>Remark.</i> —Wines in casks containing more than 12 per cent. of alcohol in bulk are subject to an additional excise duty for every further degree of alcohol at the rate of 1 fr. per 100 litres. Medicinal wines in bottles, recognized as such by the Sanitary Board, are not exempted from excise duty.	100 litres	5	00
		100 "	50	00
		100 "	20	00

COMPARATIVE Table of Octroi Dues, as established by the Law of January 29, 1900, and February 2, 1904.

No.	Articles Dutiable.	Unit of Measurement.	Dues according to the Law of January 20, 1900.		Dues according to the Law of December 30, 1903.	
			Fr.	c.	Fr.	c.
<i>Octroi Dues on Native and Foreign Merchandise.</i>						
1	Alcohol: Eau-de-vie, rum, brandy <i>Note.</i> —Alcohol employed for cooking purposes, for lighting or in industries, is exempt from octroi dues if it be first denatured by mixture with any material which renders it unfit for any other use.	Per litre and per degree*	0	00½	0	00½
2	Beer, in barrels	1 litre	0	04	0	06
3	Wine, in barrels	1 "	0	04	0	06
4	Sugar and sweets: Rahat-loucoum, compotes, sweets, and every kind of sweetmeat.	1 kilog.	0	04	0	06
5	Tobacco (cut), cigarettes, cigars, snuff— Extra quality	1 "	1	00	1	50
	1st "	1 "	0	50	0	75
	2nd "	1 "	0	30	0	45
	3rd "	1 "	0	10	0	15
	<i>Note.</i> —Snuff is classed in the 2nd quality, but is only taxed at 30 centimes the kilogramme.					
<i>Octroi Dues on solely Foreign Merchandise.</i>						
1	Wine of all kinds, in sealed bottles, containing ¾ litre	Per bottle	0	50	0	75
2	Liqueurs, of all kinds: Rum, cognac, absinthe, vermouth, bitters, Curaçao, vanilla, Russian vodka, &c., in sealed bottles, the bottle containing ¾ litre.	" "	0	30	0	45
3	Coffee and "frank-café"	1 kilog.	0	16	0	24

* Gay-Lussac, at a temperature of 15 degrees Celsius (12 degrees Réaumur).

No.	Articles Dutiable.	Unit of Measurement.	Dues according to the Law of January 20, 1900.		Dues according to the Law of December 30, 1903.	
			Fr.	c.	Fr.	c.
<i>Octroi Dues on solely Foreign Merchandise—(continued).</i>						
4	Tea, either in packets or boxes ..	1 kilog.	0	80	1	20
5	Tea, in chests ..	1 "	0	20	0	30
6	Macaroni, vermicelli, ships' biscuits (in barrels or boxes), semolina, starch powder, "Gherschlé," sago, soap, "Arpakash," lemons, oranges, pomegranates, raisins, figs, dates, almonds, pistachio nuts, olive oil for cooking, tahin, aniseed, "Rézéné" ..	1 "				
7	Olives and roasted chick-peas, "Leblebi" ..	1 "	0	08	0	12
8	Black caviar, dry caviar ..	1 "	0	04	0	06
9	Oysters, cuttle-fish, caviar of pike, fish, marinated, dried, smoked ..	1 "	0	80	1	20
10	Stearine and spermaceti candles ..	1 "	0	16	0	24
11	Petroleum ..	1 "	0	08	0	12
12	Cheese : Swiss, Dutch, &c. ..	1 "	0	03	0	04½
13	Fresh fish ..	1 "	0	32	0	48
14	All other foreign merchandise not specially mentioned above ..	1 "	0	04	0	06
	<i>Observation.</i> —Letter (b) of paragraph 14 of Article 1 of the Law on Octroi is altered as follows : " All foreign merchandise not specially mentioned in the above Table is subjected to an octroi duty of 20 per cent. of the customs duty specified for such merchandise."	<i>Ad valorem</i> ..	2	per cent.	3	per cent.
	<i>Note.</i> —The above alteration of the Law will only enter into force on the date when the method of levying specific customs duties on the same merchandise shall be substituted for the <i>ad valorem</i> method, in conformity with the Law for the application of the General Customs Tariff. (Law sanctioning the alteration of letter (b), paragraph 14, of Article 1 of Octroi Law, as confirmed by Princely Ukase, No. 55, of March 23, 1905.)					

*Ad Article XVIII.**Arbitration.*

As regards the procedure to be followed in the event of arbitration taking place in accordance with the provisions of Article XVIII, the Contracting Parties agree as follows :—

In the first case of arbitration the Arbitral Tribunal shall sit in the territory of the defendant Party, in the second case in the territory of the other Contracting Party, and so on in succession in the one or the other territory. The Party on whose territory the Tribunal shall sit shall fix the place where it shall meet. It shall also undertake to provide the premises, the officials, and the attendants necessary for the proper working of the Tribunal.

The Umpire shall be President of the Tribunal. Decisions shall be taken by a majority of votes.

The Contracting Parties shall agree as each case arises, or once for all, respecting the procedure of the Court of Arbitration. In default of such an agreement the procedure shall be fixed by the Court itself. The procedure may be carried on by writing if neither of the Contracting Parties raises any objection.

As regards the summoning and hearing of witnesses and experts, the authorities of each of the Contracting Parties, on an application to be addressed by the Arbitral Tribunal to the Government concerned, shall afford the same assistance as would be given in the case of an application made on the part of the Civil Courts of their country.

The Contracting Parties shall agree as to the manner in which the expenses are to be divided, either in each particular case of arbitration or by an arrangement applicable to all cases alike. In default of such an agreement, Article LVII of The Hague Convention of the 29th July, 1899,* shall be applied.

The stipulations of the present Convention shall not be invoked to prevent the establishment or maintenance of State monopolies in Bulgaria on gunpowder, tobacco, alcohol, petroleum, salt, matches, cigarette paper, and playing cards.

British shipping companies, and the owners of British vessels, having a regular carrying service, shall be free to hire, at a proper price, within the zone in Bulgarian ports, for their offices, workshops, and storehouses, lands, even belonging to the State, should the latter not require them for other purposes. It is understood that the said storehouses, shall be deemed to be bonded warehouses when once they satisfy legal requirements.

* Vol. XCI, page 970.

Accessory Dues.

It is understood that British ships and goods of British origin, whether imported by water or by land, shall not, after having paid the import duties, be subjected in Bulgaria to any additional tax or to further accessory taxes higher than those actually in force for native goods and ships, or for those of the most favoured foreign nation, namely :—

1 Sealing dues, namely :

(a.) 30 centimes for each large lead seal, including the string, and

(b.) 5 centimes for each small lead seal, or ordinary seal, including the string.

2. A tax of 10 centimes is levied for each copy of the following printed papers delivered by the Customs :

(a.) Manifest, or extract from a manifest.

(b.) Customs declaration.

(c.) Bills delivered for goods carried from one Bulgarian port to another Bulgarian port.

(d.) Transit bills.

(e.) Transport bills delivered by the Customs authorities at the port of entry for goods which have to be cleared at another custom-house.

3. A tax of 5 centimes is levied for each copy of a printed receipt delivered by the Customs.

A tax of 5 centimes is also levied for all other printed forms supplied by the Customs.

4. Stamp duty is levied in accordance with the provisions of the law in force on the subject.

Nevertheless, British ships entering or leaving several Bulgarian ports after having once paid stamp duty on the general manifests of arrival or of departure in the first port, shall only pay a supplementary tax of 1 fr. on the extracts from manifests of arrival, and of 50 centimes on the additional manifests of departure.

5. Taxes for inspection of cattle ; taxes on sheep ("beglik").

6. Taxes for mercantile ships visiting Bulgarian ports, as approved by the twenty-sixth decision of the Council of Ministers taken in the sitting of the 28th February, 1904, Protocol No. 21.

7. Warehousing dues levied in conformity with Article 64 of the Bulgarian Customs Law.

8. Statistical dues :

(a.) 10 centimes for each parcel, with the exception of postal packages.

(b.) 15 centimes for every 1,000 kilog. of goods loaded in bulk.

(c.) 10 centimes per head of cattle.

9. A tax leviable only on such goods as are duty free, of which the proceeds are reserved for the construction and improvement of Bulgarian ports and harbours. The rate of this tax shall not exceed $\frac{1}{5}$ per cent. *ad valorem*.

The present Protocol shall be deemed approved by the Contracting Powers, without special ratification, by the sole fact of the exchange of the ratifications of the Convention of Commerce, Customs, and Navigation.

Done in duplicate, at Sofia, this 9th day of December, 1905.

(L.S.) GEORGE W. BUCHANAN.

(L.S.) STANCIOFF.

TAXES TO BE LEVIED ON MERCHANT-VESSELS FREQUENTING BULGARIAN PORTS.

I.—*Navigation Dues to be levied in all Ports.*

§ 1.—*Charge for flying the Bulgarian Flag.*

Every ship built in Bulgaria or abroad shall pay, to obtain the right of flying the Bulgarian flag—

							Fr.
(a.)	Vessels of less than	5 tons..	..	..	..	..	2
(b.)	„	from 5 to 50 „	..	..	..	..	10
(c.)	„	50 „ 100 „	..	..	..	..	20
(d.)	„	100 „ 200 „	..	..	..	..	35
(e.)	„	200 „ 500 „	..	..	..	..	45
(f.)	„	of 500 tons or more ..	..	..	..	..	60

For this purpose the ship must be registered at the offices of the Administration of any Bulgarian port, where a certificate of nationality bearing a registration stamp of 1 fr. will be supplied.

§ 2.—*Charge for annual Licence for Ships flying Bulgarian Flag.*

Owners of ships flying the Bulgarian flag pay the following charge for an annual licence:—

							Fr.
(a.)	For vessels of less than	5 tons ..	..	..	..	..	5
(b.)	„	from 5 to 50 „	..	..	..	..	10
(c.)	„	50 „ 100 „	..	..	..	..	20
(d.)	„	100 „ 200 „	..	..	..	..	40
(e.)	„	200 „ 500 „	..	..	..	..	50
(f.)	„	of 500 tons or more ..	..	..	..	..	70

Note.—Small fishing-vessels are exempt from the payment of these dues, since they pay fishing dues.

Boats and small craft belonging to the various athletic societies are also exempt from this payment.

§ 3.—*Charge for "Congé."*

Vessels flying the Bulgarian flag cannot leave their port of registration without a "congé," which is supplied by the port Administration. The charge for "congés" is fixed as follows:—

								Fr.
(a.)	For vessels from	10 to	50 tons ..	..	..	..	..	2
(b.)	"	"	50 " 100 "	..	..	..	..	4
(c.)	"	"	100 " 500 "	..	..	..	..	6
(d.)	"	"	of 500 and more	..	..	..	..	10

The "congé" bears a stamp of 1 fr., and is valid for one year and for the whole duration of the voyage if the latter lasts for more than one year. The "congés" must be *visés* in all Bulgarian ports where the vessels touch by the port authorities, and in foreign ports by the Bulgarian Diplomatic or Commercial Agents, if there are any, and a fee of 2 fr. paid.

Coasting vessels of less than 10 tons flying the Bulgarian flag cannot leave their port of registration without procuring a coasting certificate from the offices of the port of registration.

The charge for the coasting certificate, which bears a stamp of 50 centimes, is fixed at 1 fr.

The coasting certificates are *visés* in all Bulgarian ports where the coasting vessels touch without further taxes.

§ 4.—*Charge for the Crew List.*

Vessels under the Bulgarian flag cannot leave their port of registration without procuring a register of the crew, called a "crew list" (*rôle*), from the port Administration. The charge levied for the crew list is fixed at 2 fr. for coasting vessels and at 5 fr. for all other craft.

The crew list is valid for one year and for the whole duration of the voyage, if the latter lasts for more than one year.

§ 5.—*Charge for delivering a Statement of Damages caused to Vessels.*

When the Bulgarian port authorities are requested to deliver a statement of damages caused to vessels which are in Bulgarian ports, a charge of 20 centimes per ton shall be levied, irrespective of the nature or importance of the damages.

Note.—The necessary amount for these statements must be deposited previously in the port office by the captain of the vessel or by the representatives of the insurance companies. In addition to

this charge, such remuneration as may be due to them must be paid to the officials and to the experts who draw up the statement.

§ 6.—*Charge for loading and unloading Ballast.*

All vessels loading or unloading ballast in Bulgarian ports at the places (parcs) on shore specially fixed for the purpose, shall pay the due leviable in each port; in the ports of Bourgas and Varna, the due is fixed at 1 fr. per cubic metre of ballast. If the ballast is transhipped from one vessel to another, half the due will be levied.

§ 7.—*Lighthouse Dues.*

Light and lighthouse dues are collected by the Company of Ottoman Lighthouses on the basis of a Convention concluded in 1854 between the said Company and the Ottoman Government.

§ 8.—*Sanitary Dues.*

These dues are collected at the present time by the Superior Medical Council at Constantinople, according to the Paris Convention of 1853.

Until this question is settled, the following taxes will be levied by the sanitary authorities in the ports of Bulgaria* according to the regulations of the maritime sanitary police.

Each new bill of health, delivered by the Bulgarian quarantine authorities, shall bear a registration stamp—

						Fr.	c.
(a.)	For vessels of	5 to	100 tons	..	..	0	50
(b.)	"	100 "	500 "	..	..	1	00
(c.)	"	500 "	1,000 "	..	..	1	00
(d.)	"	1,000 tons and above	..	..	..	2	00

For the sanitary guard placed on board of a ship in quarantine a charge of 3 fr. a-day will be made in the case of sailing vessels, and of 5 fr. for steamers.

The charges for disinfecting merchandize and luggage will be as follows:—

(a.) One franc will be charged for each disinfecting stove.

(b.) For the disinfection with chemical products the only charge made will be for the value of the chemical products employed, according to the tariff for drugs, without any charge being made for services.

No charge is made for the *visé* to a bill of health.

All war-ships are exempt from the payment of the tax for a bill of health.

* In the Danubian ports these taxes will only be levied when a quarantine has been declared.

II.—*Port Dues leviable on Merchant-vessels frequenting Bulgarian Ports where no special artificial Works have been constructed.*

§ 1.—In all Bulgarian ports where no special artificial works have as yet been constructed, the following port dues will be levied:—

							Fr. c.
(a.)	On ships of less than 5 tons	..	..	..	..	..	1 00
(b.)	„ 5 to 50	„	..	..	..	..	2 50
(c.)	„ 50 „ 100	„	..	..	..	..	5 00
(d.)	„ 100 „ 200	„	..	..	..	..	10 00
(e.)	„ 200 „ 400	„	..	..	..	..	15 00
(f.)	„ 400 „ 600	„	..	..	..	..	20 00
(g.)	„ 600 tons and above	..	..	..	..	..	25 00
(h.)	On rafts or launches	..	..	..	..	..	2 00

§ 2. The above-mentioned charges are to be reduced by one-half in the case of—

(a.) Ships remaining in those ports for less than eight days without loading or unloading ;

(b.) Ships coming directly from another Bulgarian port where they have already paid the above-mentioned dues.

Note.—Ships which, at the end of these eight days, begin to load or unload, or which remain in the port for more than eight days without engaging in any operation, shall not be entitled to the reduction mentioned under letter (a).

Ships visiting several Bulgarian ports, but touching at a foreign port on their way, shall not be entitled to the reduction mentioned under the letter (b).

§ 3. The following are exempt from any of the above-mentioned payments:

(a.) Small vessels engaged in the coasting trade, of less than 10 tons, as well as ships belonging to the same company which regularly frequent Bulgarian ports at least twice a month according to a fixed itinerary, provided that these ports do not possess special artificial works ;

(b.) Ships which are driven by bad weather or damage into places where it is not allowed to load or unload.

III.—*Port Dues levied in the Ports of Varna and Bourgas.**

§ 1.—*Entrance and Clearance Dues.*

Captains of vessels, on the basis of the declarations made by them on arriving at or when leaving the port, receive a permit of

* Until the port of Varna is officially opened to commerce, vessels touching there will only be charged the pilotage dues specified in § 2 and the ship dues specified in § 4.

entrance or of clearance, for which 2 fr. are charged. The permits must bear a stamp for 50 centimes.

Note.—Sailing vessels flying the Bulgarian flag engaged in the coasting trade with a tonnage of less than 50 tons are exempted from the obligation of obtaining permits of entrance or clearance.

§ 2.—*Pilotage Dues.*

Every vessel entering the port, without distinction of tonnage or nationality, is charged the following pilot dues:—

							Fr.
(a.)	Vessels from	50 to	100 tons ..	..	..	..	5
(b.)	„	100 „	500 „ ..	..	..	..	10
(c.)	„	500 „	1,000 „ ..	..	..	..	15
(d.)	Vessels of 1,000 tons and above	..	..	..	..	..	20

Note.—The following are exempted from pilotage dues:

- (a.) Vessels of less than 50 tons measurement;
- (b.) Coasting vessels, the captains of which are furnished with a pilot's certificate, issued by the port authorities;
- (c.) Sailing vessels under towage, which pay towing dues.

§ 3.—*Towing Dues*

Sailing vessels entering the port are charged the following towage dues:—

							Fr.
(a.)	Vessels of	25 to 100 tons ..	..	..	..	..	10
(b.)	„	100 „ 300 „ ..	..	..	..	..	15
(c.)	„	300 „ 500 „ ..	..	..	..	..	20
(d.)	„	500 tons and above	..	..	..	..	25

Note I.—Sailing vessels flying the Bulgarian flag engaged in the coasting trade are charged half these dues.

Note II.—Small sailing craft flying the Bulgarian flag engaged in the coasting trade, of less than 25 tons, which can enter the port by means of oars, are exempted from towing dues.

§ 4.—*Ship Dues.*

All trading vessels of Bulgarian or of foreign nationality arriving at the ports of Bourgas or Varna and obtaining pratique, whether laden or in ballast, pay the following ship dues:—

						Fr. c.
(a.)	For the first 200 tons..	..	..	..	0 20	per ton
(b.)	„ following 300 tons ..	..	..	..	0 15	„
(c.)	„ „ 500 „ ..	..	..	..	0 10	„
(d.)	„ „ 1,000 „ ..	..	..	..	0 5	„

Steamers can remain in the port eight, and sailing vessels fifteen, days. On the expiration of this period the dues will have to be paid a second time, unless vessels have been unable to begin their operations because of want of berth room or other reasons of *force majeure*.

Note I.—The above-mentioned dues are reduced by half in favour of vessels belonging to the same company, calling regularly at least twice a-month at the port of Bourgas or Varna on the basis of fixed itineraries.

Note II.—The following are exempted from payment of ship dues :

(a.) Small sailing craft of less than 100 tons, of Bulgarian nationality, engaged in the coasting trade ;

(b.) Pleasure boats, war-vessels, and vessels belonging to the "Red Cross" Society in war time ;

(c.) Small fishing-boats.

(d.) Vessels coming to the outer port to escape bad weather, or in consequence of damages, or to receive communications from their agents.

§ 5.—*Tariff for Passengers.*

Captains of vessels, on arriving at or leaving the port, must hand to the Port Officer a manifest showing the number of passengers and the class in which they are travelling ; the captains or the shipping agents shall collect from the passengers and pay to the port authorities the following taxes :—

						Fr.	c.
For 1st class passengers	..	..	..	..	..	1	00
„ 2nd „ „	..	..	..	..	..	0	50
„ 3rd „ „	..	..	..	..	..	0	20

Children up to the age of ten years are exempted from these taxes.

No tax shall be levied for the baggage which passengers carry with them.

§ 6.—*Dues on Merchandize.*

These dues shall be paid by the consignees or the exporters of merchandize, and shall be levied by the Customs authorities.

1. *Tariff for Live-stock and Poultry.*

Large and small live-stock and poultry exported abroad or imported into the country are subject to the following charges :—

	Fr.	c.
(a.) Horses, oxen, buffaloes, cows, mules ..	1	50 per head.
(b.) Donkeys, colts, pigs, calves.. ..	0	80 „
(c.) Sheep, goats, lambs, kids	0	15 „
(d.) Per crate of poultry	0	50

2. *Tariff for Carriages and Rolling-stock.*

Carriages and rolling-stock exported from or imported into the country pay :

	Fr.	c.
(a.) Passenger carriage	25	00
(b.) Goods waggon	15	00
(c.) Tram-car	15	00
(d.) Ordinary cab	10	00
(e.) Carriage	2	00
(f.) Waggon.. ..	1	00
(g.) Barrow	0	20

3. *Tariff for Goods.*

Goods shipped or landed in the port are classified under four groups; the dues for each group are fixed, per 1,000 kilog., as follows:—

(a.) *First group, 0.50 fr.*—This group comprises: Ordinary stone, gravel, sand, and lime; wood for fuel; charcoal; compressed straw and hay; native-made bricks and tiles; manures; clays of various kinds (except clay for colouring), and ores.

(b.) *Second group, 1 fr.*—This group comprises: Cereals and oil seeds: barley, rye, wheat, oats, maize, colza, rice, millet, peas, potatoes, haricot beans, bran, &c.; animal products: meat, butter, grease, cheese, “kashkaval” (native cheese), salted meat, eggs, &c.; window glass; roughly-made iron articles; salt, petroleum, chalk, plaster, cement, hydraulic lime, coal, foreign-made bricks and tiles.

(c.) *Third group, 1.50 fr.*—This group comprises: Colonial produce, sugar; articles made of flour; raw hides and skins; wood for building (except walnut); various vegetable and mineral oils; various seeds, hemp, &c.; fresh and dried fruit; miscellaneous iron wares.

(d.) *Fourth group, 2 fr.*—This group comprises: All manufactured articles, haberdashery trimmings, hardware, &c.; glass and porcelain ware.

Remark I.—Goods not mentioned in particular or in general in the above Tables will be subjected to the payment of the dues specified for the kind of merchandize they most resemble, their price, weight, and volume being taken into consideration.

Remark II.—Goods which are transhipped in the port from one

vessel to another or from a coasting vessel to another ship will only pay half the dues specified.

Remark III.—Goods discharged from or shipped on to vessels not at the quay but by means of lighters are subjected to the payment of only half the dues specified.

Remark IV.—Should the weight or measurement of the goods upon which dues are to be levied be inscribed in the ship's manifest in weights and measures other than those prescribed, these will be converted into the weights and measures prescribed according to a Table prepared and published by the Administration of the port.

Remark V.—Ordinary stone, gravel, sand, lime, wood for fuel, charcoal, bricks, tiles, fish, when brought into the port of Bourgas by boats belonging to neighbouring ports and discharged at the western end of the port, are exempted from the payment of the dues on merchandize.

§ 7.—*Diving Dues.*

A due of 10 fr. for each working hour is levied for diving, without reckoning the charges of the diver himself and the sailors.

General Remarks.

1. Dues are levied on the net tonnage of vessels measured according to the Moorsom system (1 ton measurement=2.83 cubic metres).

2. Dues and taxes up to 20 fr. are paid in silver, and above that sum in gold.

The dues fixed by the Circular Ordinance of the Ministry of Finances of the ^{3rd}/_{15th} April, 1885, No. 8752, addressed to the Directors of Customs and Ports, are abrogated.

DECLARATION.

ON proceeding to the signature of the Convention concluded this day, the Undersigned have agreed as follows:—

1. In the case of civil or commercial suits between British subjects residing in Bulgaria and Bulgarian subjects, the summons to appear, as well as all the other documents and judicial papers, shall be served on British subjects in accordance with the procedure prescribed by Bulgarian law, without the intervention of the British Consular authorities.

2. In cases of commercial bankruptcy the commercial insolvency

of British subjects residing in Bulgaria shall be pronounced by the Bulgarian Courts, and the full and complete liquidation of the bankruptcy shall be made by those Courts without the intervention of the British Consular authorities.

3. British subjects in Bulgaria and Bulgarian subjects in the United Kingdom of Great Britain and Ireland shall have free and ready access to the Courts of Justice for the prosecution and defence of their rights, and shall enjoy in this respect all the rights and immunities of native subjects. Like them they shall be free to employ in all cases advocates and agents of every description who are authorized by the laws of the country.

It is understood that the adhesion of His Britannic Majesty's Government to the above stipulations is given on the express condition that they shall not enter into force until the Governments of Austria-Hungary, France, Germany, Italy, and Russia shall have concluded analogous Agreements with Bulgaria, and that British subjects shall not thereby be placed on a less favourable footing than the subjects or citizens of the most favoured nation.

Sofia, December 9, 1905.

(L.S.) GEORGE W. BUCHANAN
(L.S.) STANCIOFF.

ANNEXES.

M. L'AGENT,

Sofia, le ^{26 Novembre}_{9 Décembre}, 1905.

EN me référant aux déclarations verbales que j'ai eu l'honneur de vous faire au sujet de l'Article VII de la Convention de Commerce et de Navigation, je m'empresse de porter à votre connaissance que les dispositions de la Loi Bulgare du ^{26 Mars,}_{8 Avril,} 1905, sur les voyageurs de commerce concernant la protection du chef de la maison commerciale contre les malversations de ces voyageurs de commerce, restent facultatives, et ne peuvent être appliquées aux voyageurs de commerce représentant des maisons Britanniques que dans le cas où une demande serait faite au nom de la maison dont dépend le voyageur de commerce.

Je saisis, &c.,

Sir George Buchanan.

STANCIOFF.

SIR,

Sofia, December 9, 1905.

I HAVE the honour to acknowledge the receipt of the note in which you were good enough to inform me, with reference to Article VII of the Convention of Commerce and Navigation, that the stipulations of the Bulgarian Law of the ^{26th March}_{8th April}, 1905, on commercial

travellers, concerning the protection of the head of the commercial house against dishonest practices on the part of his commercial travellers, remain optional, and can only be applied to commercial travellers representing British firms in the event of an application for such protection being made in the name of the firm represented by the commercial traveller.

In taking act of this communication, I avail, &c.,
M. Stancioff.

GEORGE W. BUCHANAN.

SIR,

Sofia, December 9, 1905.

I HAD the honour, in the course of our negotiations, to inform you that His Majesty's Government were unable to accept the text of Article XIV of the draft Bulgarian Convention relative to tonnage dues in British and Bulgarian ports, and I take this opportunity to offer you the following explanations on the subject:—

The harbours in the United Kingdom, except in a few cases, are not under the control of the State, and the powers of the various harbour authorities are regulated under special Acts of Parliament. Thus, although, as a matter of fact, the provisions of the Article in question do not conflict with the practice observed in the majority of cases, it is obviously impossible for His Majesty's Government to bind the various harbour authorities by Treaty with regard to all matters covered by the terms of the Article.

I avail, &c.,

M. Stancioff.

GEORGE W. BUCHANAN.

M. L'AGENT,

*Sofia, le 26 Novembre
9 Décembre, 1905.*

J'AI l'honneur de vous accuser réception de la note en date d'aujourd'hui, par laquelle vous avez bien voulu m'expliquer pour quels motifs le Gouvernement de Sa Majesté Britannique n'a pas pu admettre l'insertion dans la Convention de Commerce entre la Bulgarie et le Royaume-Uni d'un Article basé sur Article XIV du projet de Traité Bulgare.

En prenant acte de cette communication, je saisis, &c.,
Sir George Buchanan.

STANCIOFF.

SIR,

Sofia, December 9, 1905.

HIS Majesty's Government being desirous that the system of local bond at present in force, under which goods, on their arrival in Bulgaria may be warehoused and withdrawn piecemeal on payment only of the duty on the portion withdrawn, should be main-

tained, I have the honour to request you to be so good as to give me an assurance to this effect.

I avail, &c.,

M. Stancioff.

GEORGE W. BUCHANAN.

M. L'AGENT,

Sofia, le ^{26 Novembre}_{9 Décembre}, 1905.

EN réponse à votre note de ce jour, j'ai l'honneur de vous communiquer que les marchandises Britanniques, à leur arrivée en Bulgarie, pourront être emmagasinées et dédouanées au fur et à mesure selon les prescriptions des Articles 117, 118, et 119 de la Loi Bulgare sur les douanes du $\frac{8}{20}$ Janvier, 1885, modifiée le $\frac{5}{17}$ Janvier, 1899.

Je saisis, &c.,

Sir George Buchanan.

STANCIOFF.

Loi sur les Douanes.

(Traduction.)

ARTICLE 117. Les marchandises étrangères, importées en grande quantité à la demande de leurs propriétaires, peuvent être placées dans les entrepôts établis, et cela dans le cas seulement où les impositions à percevoir au profit du fisc ne sont pas moindres de 4,000 fr. De tels entrepôts, au besoin, seront établis seulement dans les ports de commerce et avec l'autorisation du Ministère des Finances.

Article 118. Les marchandises sont reçues dans les entrepôts avec cette condition, qu'elles seront réexportées en dehors des frontières dans le délai prévu, ou qu'on paiera les droits de douane requis quand elles seront retirées de l'entrepôt et destinées à l'usage interne.

Les marchandises qui sont importées en Bulgarie par voie ferrée, et qui sont transportées jusqu'à un certain port où un entrepôt a été établi, peuvent y être entreposées de la même manière comme on procède avec celles qui y arrivent par voie de mer.

Article 119. Dans les entrepôts on permet le placement seulement des marchandises trouvées en bon état, et en général toutes celles qui ne peuvent pas se gâter ni enflammer.

EXCHANGE OF NOTES between Great Britain and Nicaragua, respecting the Payment of Claims arising out of Disturbances in the Mosquito Territory.—London, February 1
Paris, February 6, 1897.

No. 1.—The Marquess of Salisbury to Señor Medina.

SIR,

Foreign Office, February 1, 1897.

I HAVE the honour to state that, in accordance with the verbal understanding that has been arrived at with you in regard to the settlement of certain claims arising out of the disturbances in the Mosquito Reserve in 1894, Her Majesty's Government agree that the arrangement contemplated in the Convention of the 1st November, 1895,* for the appointment of a Mixed Commission to fix the amount due to British subjects in respect of injury caused to them or their property or goods in the Mosquito Reserve owing to the action of the Nicaraguan authorities, shall not take effect.

Her Majesty's Government further agree to accept, in lieu of the conventional arrangement above referred to, payment to them by the Government of Nicaragua of a sum of 2,400*l.* in full satisfaction of these claims, to be distributed among the different claimants at the discretion of Her Majesty's Government.

I have the honour accordingly to request that you will, at your earliest convenience, obtain authority from the Nicaraguan Government to pay the above-named sum.

I am, &c.,

Señor Medina.

SALISBURY.

No. 2.—Señor Medina to the Marquess of Salisbury.

MY LORD,

Paris, February 6, 1897.

I HAVE before me your Lordship's communication confirming the verbal understanding arrived at between us in virtue of which the Convention of the 1st November, 1895, shall not take effect, Her Majesty's Government agreeing to accept, in lieu of that conventional arrangement, payment by the Government of Nicaragua of a sum of 2,400*l.* in full satisfaction of all the claims in respect of injuries caused to British subjects during the disturbances in the Mosquito Reserve in 1894.

I have the honour to ratify the above arrangement, and hasten to assure your Lordship that I shall write out to Nicaragua by the

* Vol. LXXXVII, page 55.

very next mail asking for the necessary remittance to pay to Her Majesty's Government the 2,400*l.* above mentioned.

I have, &c.,

The Marquess of Salisbury.

CRISANTO MEDINA.

*CONVENTION between the United States and the Kingdom of the Netherlands, extending the Extradition Convention of June 2, 1887, between the two Countries to their respective Island Possessions and Colonies.—Signed at Washington, January 18, 1904.**

[Ratifications exchanged at Washington, May 28, 1904.]

THE United States of America and Her Majesty the Queen of the Netherlands, having judged it expedient to extend to their respective island possessions and colonies the Convention for the Extradition of Criminals concluded at Washington on the 2nd June, 1887,† by means of an Additional Convention, have to that end appointed as their Plenipotentiaries:

The President of the United States of America: John Hay, Secretary of State of the United States; and

Her Majesty the Queen of the Netherlands: Baron Willem Alexander Frederik Gevers, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ART I. The provisions of the Convention for the extradition of criminals, concluded at Washington the 2nd June, 1887, shall be applicable to the island possessions of the United States of America and the colonies of the Netherlands; but, since they are based upon the law of the mother country, only provided that they are compatible with the Laws or Regulations in force in those island possessions and colonies, and with the observance of the following stipulations:

II. In addition to the persons mentioned in Article II of that Convention, those shall also be surrendered who are charged with or have been convicted of the crime of bribery, provided it be an extradition crime by the Laws or Regulations in force in the respective island possessions and colonies of the Contracting

* Signed also in Dutch.

† Vol. LXXVIII, page 958.

Parties, or of the crime of piracy by statute or by the law of nations.

III. Application for the surrender of a criminal may be made directly to the Governor or Chief Magistrate of the island possession or colony in which the criminal has sought refuge, by the Governor or Chief Magistrate of an island possession or colony of the other Contracting Party, provided that both island possessions or colonies are situated in Asia, or both in America (including the West India Islands); in making such application, the intervention of a Consular officer in such a possession or colony may be used, although no modification shall thereby be made in his capacity as a commercial agent. The aforesaid Governors or Chief Magistrates shall have authority either to grant the extradition or to refer the matter for decision to the mother country. In all other cases, application for extradition shall be made through the diplomatic channel.

IV. The beginning of paragraph 2 (in the alternat paragraph 1) of Article XII of the Convention of the 2nd June, 1887, shall, as regards the Dutch East Indies, read as follows: "It shall be lawful for any competent authority," &c.

V. In the cases of direct application for extradition described in Article III of the Convention, the certificate mentioned in the second (first in the alternat) paragraph of the said Article XII may be given by the Governor or the Chief Magistrate of the Dutch colony; the certificate mentioned in the first (second in alternat) paragraph of the last-named Article, by the Chief Magistrate of the North American island possession. The term of preliminary arrest provided for in Article XII of the Convention of the 2nd June, 1887, shall, for the enforcement of this Article, be made sixty days.

VI. The present Additional Convention shall take effect three months after the exchange of the instruments of ratification. It shall remain in force for six months after a declaration to the contrary, made by one of the two Governments. Nevertheless, it shall be considered to have been denounced by the fact of the denunciation of the Convention of the 2nd June, 1887.

It shall be ratified, and the instruments of ratification shall be exchanged as speedily as possible.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done at Washington, in the English and Dutch languages, on the 18th day of January in the year of our Lord 1904.

(L.S.) JOHN HAY.

(L.S.) GEVERS.

SWISS NOTE announcing the Accession from March 1, 1905, of the Netherland Indies to the International Arrangement of June 15, 1897, for the Exchange of Letters and Parcels of declared Value.—London, October 29, 1904.

Légation de Suisse, Londres,

M. LE MARQUIS,

le 29 Octobre, 1904.

SUR l'ordre de mon Gouvernement j'ai l'honneur de remettre sous ce pli à votre Seigneurie une copie des notes que la Légation Royale des Pays-Bas à Berne a adressées au Président de la Confédération, aux dates des 9 Septembre dernier et 17 courant, pour lui demander de notifier aux États des pays contractants l'adhésion des Indes Néerlandaises, à partir du 1^{er} Mars, 1905, à l'Arrangement International concernant l'échange des lettres et des boîtes avec valeur déclarée conclu à Washington le 15 Juin, 1897.*

Cette notification est faite à votre Seigneurie, par la présente, en vertu de l'Article XV du dit Arrangement et de l'Article XXIV de la Convention Postale Universelle.

Je vous serais fort obligé de bien vouloir consentir à me donner acte de cette communication, et vous prie d'agréer, &c.

M. le Marquis de Lansdowne.

CARLIN.

Légation Royale des Pays-Bas,

M. LE PRÉSIDENT,

Berne, le 9 Septembre, 1904.

LE service des lettres avec valeur déclarée sera bientôt introduit dans le service intérieur aux Indes Néerlandaises. Attendu qu'il est désirable que ce service fonctionne également vis-à-vis de l'étranger, j'ai, d'ordre de mon Gouvernement, l'honneur de notifier par la présente au Haut Conseil Fédéral l'adhésion des Indes Néerlandaises aux stipulations de la Convention de Washington du 15 Juin, 1897, concernant l'échange de lettres et petites boîtes avec valeur déclarée.

En priant votre Excellence de bien vouloir m'accuser réception de la présente, je saisis, &c.

Son Excellence M. R. Comtesse,

RECHTEREN.

Président de la Confédération Suisse.

Légation Royale des Pays-Bas,

M. LE PRÉSIDENT,

Berne, le 17 Octobre, 1904.

EN réponse à l'office du Haut Conseil Fédéral du 16 Septembre dernier, concernant l'adhésion des Indes Néerlandaises à la Conven-

tion de Washington du 15 Juin, 1897, relativement à l'échange de lettres et petites boîtes avec valeur déclarée, j'ai l'honneur de porter à la connaissance de votre Excellence que cette adhésion doit avoir lieu à partir du 1^{er} Mars, 1905.

En vous priant, M. le Président, de bien vouloir me faire accuser réception de la présente, je saisis, &c.

Son Excellence M. R. Comtesse,

VIRULY.

Président de la Confédération Suisse.

*ARBITRATION TREATY between Spain and the Republic of Nicaragua.—Signed at Guatemala, October 4, 1904.**

[Ratifications exchanged at Paris, March 19, 1908.]

(Translation.)

HIS Majesty Don Alfonso XIII, Constitutional King of Spain, on one part, and his Excellency the President of the Republic of Nicaragua, on the other, desiring to consolidate by practical measures the sincere friendship that unites the two countries, have determined to conclude an Arbitration Treaty with a view to enabling both States peacefully to solve every question which might disturb the relations now happily existing between them, and to this effect they have nominated and appointed as their Plenipotentiaries the following, viz. :

For His Majesty the King of Spain, Don Pedro de Carrere y Lambeye, a Gentleman in Waiting and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Central American Republics ;

And for his Excellency the President of the Republic of Nicaragua, Don José Dolores Gomez, Envoy Extraordinary and Minister Plenipotentiary to the Republic of Guatemala ;

Who, after having communicated to each other their full powers, which were found to be in due form, have agreed upon the following :—

ART. I. The High Contracting Parties bind themselves to submit to decision by arbitration all controversies of whatever nature, arising between them from whatever cause, as long as the constitutional provisions of either country are not affected thereby, provided always that such controversies cannot be decided by direct negotiations.

II. Questions which have already been the subject of definite

* "Madrid Gazette," April 17, 1908.

agreements between the High Contracting Parties cannot be reopened in virtue of this Treaty. In such cases arbitration shall be exclusively confined to questions that may be raised regarding the validity, interpretation, or fulfilment of such agreements.

III. As regards the decision of questions which, in compliance with this Treaty, might be submitted to arbitration, the office of Arbitrator shall preferentially be intrusted to a Head of one of the Spanish-American Republican States or to a Tribunal of Spanish-Nicaraguan or Spanish-American Judges or experts.

In case of no agreement being reached as regards the designation of Arbitrators, the High Contracting Parties will submit the matter to the Permanent International Tribunal of Arbitration which is established in accordance with the Resolutions of The Hague Conference of 1899, obliging themselves, in both this and in the former case to observe the arbitral proceedings specified in Chapter III of the said Resolutions.*

IV. The present Treaty will remain in force for twelve years, to be reckoned from the date of the exchange of the ratifications. In the event of neither of the High Contracting Parties having declared its intention of terminating the agreement eighteen months before the expiry of the term, the Treaty will continue to be binding on both Parties until one year after one or the other Party shall have denounced it.

V. This Treaty will be submitted by the Undersigned to the approval of their respective Governments, and if it is approved and ratified according to the laws of either country, the ratifications shall be exchanged in the city of Guatemala within one year, reckoned from the present date.†

In witness whereof the Plenipotentiaries of both countries sign and seal, in duplicate, the present Treaty, in the city of Guatemala, on the 4th day of October of the year 1904.

(L.S.) PEDRO DE CARRERE Y LAMBEYE.

(L.S.) JOSÉ D. GOMEZ.

* See Titre III of Convention of July 29, 1899. Vol. XCI, page 975.

† By a subsequent Exchange of Notes the two Governments agreed that the ratifications should be exchanged at Paris, and that an extended period should be allowed for such exchange.

POSTAL CONVENTION between the United States of America and the Republic of Panamá. — Signed at Washington, June 19, 1905.

[Ratifications exchanged at Washington, June 19, 1905.]

FOR the purpose of making better postal arrangements between the United States of America and the Republic of Panamá, the undersigned George B. Cortelyou, Postmaster-General of the United States of America, duly authorized thereto by law, and J. D. de Obaldia, Envoy Extraordinary and Minister Plenipotentiary at Washington, duly authorized thereto by the President of the Republic of Panamá, have agreed upon the following Articles:—

ART. I.*—(a.) Articles of every kind or nature, which are admitted to the domestic mails of either country, except as herein prohibited, shall be admitted to the mails exchanged under this Convention, subject, however, to such regulations as the postal Administration of the country of destination may deem necessary for sanitary purposes or to protect its customs revenue or its taxes on commerce.

(b.) But articles other than letters in their usual and ordinary form must never be closed against inspection, but must be so wrapped or inclosed that they may be readily and thoroughly examined by postmasters or customs officers, or postal employés. Except that there may be admitted to the mails exchanged between the United States and Panamá unsealed packages which contain, in sealed receptacles, articles which cannot be safely transmitted in unsealed receptacles, provided the contents of the closed receptacles are plainly visible or are precisely stated on the covers of the closed receptacles, and that the package is so wrapped that the outer cover can be easily opened.

The following articles are prohibited admission to the mails exchanged under this Convention:—

(a.) Publications which violate the copyright laws of the country of destination; packets, except single volumes of printed books, the weight of which exceeds 2 kilog.; liquids, poisons, explosive or inflammable substances, fatty substances, those which easily liquefy, live or dead animals (not dried), insects and reptiles, fruits and vegetables which will easily decompose and substances which exhale a bad odour, lottery tickets or circulars, all obscene and immoral articles, other articles which may destroy or in any way damage the mails or injure the persons handling them.

* See amending Agreement of July 19, 1905, page 901.

(b.) All admissible matter mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatever, except such as is required by the regulations of the country of destination for the collection of its customs duties, and shall in the first case be forwarded by the most speedy means to its destination, and in the latter be delivered to the respective persons to whom it is addressed, being subject in its transmission to the laws and regulations of each country respectively.

II.—(a.) Each Administration shall retain to its own use the whole of the postage and registration fees it collects on postal articles exchanged with the other, including deficient postage. Consequently there will be no postage accounts between the two countries.

(b.) Articles other than letters and postal cards must be prepaid at least in part. Letters and postal cards will be forwarded to the country they are addressed to, even if they absolutely lack postage.

Payment of postage and registration fees shall be certified by affixing the appropriate stamps of the country of origin.

(c.) Each insufficiently prepaid letter shall have stamped on its cover the capital letter T, and shall have indicated plainly thereon, in figures, on the upper left-hand corner of the address, by the postal officials of the country of origin, the amount of the deficient postage, and only the amount so indicated shall be collected of addressee on delivery, except in cases of obvious error.

III. No postal charges shall be levied in either country on fully prepaid correspondence originating in the other, nor shall any charge be made in the country of destination upon official correspondence, which, under the postal regulations of the country of origin is entitled to freedom from postage, but the country of destination will receive, forward, and deliver the same free of charge.

IV. In case any correspondence is tendered for mailing in either country, obviously with the intention to evade the higher postage rates, applicable to it in the other country, it shall be refused, unless payment be made of such higher rates.

V.—(a.) Exchanges of mails under this Convention shall be effected through the post-offices of both countries already designated as exchange post-offices, or through such offices as may be hereafter agreed upon, under such regulations relative to the details of the exchanges as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues or taxes on commerce.

(b.) Each country shall provide for and bear the expense of the conveyance of its mails to the other.

VI. The United States of America and the Republic of Panamá

each grants to the other, free of any charges, detention, or examination whatsoever, the transit across its territory of the closed mails made up by any authorized exchange office of either country addressed to any other exchange office of the same country or to any exchange office of the other country.

VII.—(a.) Any packet of mailable correspondence may be registered upon payment of the rate of postage and the registration fee applicable thereto in the country of origin.

(b.) An acknowledgment of the delivery of a registered article shall be returned to the sender when requested, but either country may require of the sender prepayment of a fee therefor not exceeding 5 cents.

VIII.—(a.) Exchanges of ordinary international correspondence may be effected without the use of letter-bills; but registered correspondence must be accompanied by a descriptive list thereof, by means of which the registered articles may be identified for the purpose of acknowledgment by the receiving offices.

(b.) If a registered article advised shall not be found in the mails by the receiving office, its absence shall be immediately reported by the receiving to the sending office.

IX. Ordinary and registered exchanges, unless the latter be made in through registered pouches, shall be effected in properly sealed sacks.

X.—(a.) All registered articles, ordinary letters, postal cards, and other manuscript matter, business or commercial papers, books (bound or stitched), proofs of printing, engravings, photographs, drawings, maps, and other articles manifestly of value to the sender, which are not delivered from any cause, shall be reciprocally returned, without charge, through the Central Administration of the two countries in special packets or sacks marked "Rebuts" after the expiration of the period for their retention required by the laws or regulations of the country of destination; the returned registered articles to be accompanied by a descriptive list, and the special packets or sacks used for returning registered articles to be returned under registration, when registered articles are returned in them.

(b.) Fully prepaid letters, which bear requests by the senders for their return in case of non-delivery by a certain date, or within a specified time, shall be reciprocally returned, without charge, directly to the dispatching exchange office, at the expiration of the period for their retention indicated in the requests.

(c.) Fully prepaid letters bearing on the covers the business cards, the names and addresses of the senders, or designation of places to which they may be returned (as post-office box, street and number, &c.), without requests for their return in case of non-

delivery within a specified time, shall be reciprocally returned without charge directly to the dispatching exchange office at the expiration of thirty days from the date of their receipt at the office of destination.

XI. All matters connected with the exchange of mails between the two countries which are not herein provided for shall be governed by the provisions of the Universal Postal Convention* and Regulations now in force, or which may hereafter be enacted, for the government of such matters in the exchange of mails between countries of the Universal Postal Union generally, so far as the Articles of such Universal Postal Convention shall be obligatory upon both of the Contracting Parties.

XII. The Postmaster-General of the United States of America and the Government of the Republic of Panamá shall have authority to jointly make such further regulations of order and detail as may be found necessary to carry out the present Convention from time to time; and may by agreement prescribe conditions for the admission to the mails of any of the articles prohibited by Article I.

XIII. This Convention abrogates the postal relations existing between the two countries. It shall be ratified by the contracting countries in accordance with their respective laws, and its ratification shall be exchanged at the city of Washington as early as possible. It shall take effect thirty days from the exchange of ratifications and shall continue in force until terminated by mutual agreement, or annulled at the instance of the Post Office Department of either country upon six months' previous notice given to the other.

Done in duplicate, and signed at Washington the 19th day of June, 1905.

(L.S.) GEORGE B. CORTELYOU, *Postmaster-General of the United States of America.*

(L.S.) J. D. DE OBALDIA, *Envoy Extraordinary and Minister Plenipotentiary of Panamá in the United States of America.*

AGREEMENT between the United States of America and the Republic of Panamá, to amend the Postal Convention of June 19, 1905.—Signed at Washington, July 19, 1905.

FOR the purpose of perfecting the Postal Convention between the United States of America and the Republic of Panamá, signed

at Washington on the 19th June, 1905 ;* the Undersigned, George B. Cortelyou, Postmaster-General of the United States of America, and J. D. de Obaldia, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panamá, in the exercise of powers duly conferred upon them, have agreed upon the following amendment to said Postal Convention :—

Add to Article I of the Convention the following paragraph :

“(c.) The classification of, and the rates of postage and the registration fee to be levied and collected upon, mail matter originating in either country and addressed to the other, shall be in accordance with the domestic laws and regulations of the country of origin: Provided that the rates of postage and registration fees so levied shall not exceed in either country the minimum rates of postage and registration fee prescribed for articles of a like nature, by the Articles of the Universal Postal Convention which is in force.”

Done in duplicate, and signed at Washington the 19th day of July, 1905.

(L.S.) GEORGE B. CORTELYOU, *Postmaster-General of the United States of America.*

(L.S.) J. D. DE OBALDIA, *Envoy Extraordinary and Minister Plenipotentiary of Panamá in the United States of America.*

DECREE of the King of Spain, prolonging the Application of Customs Tariff (B) to all Most-favoured-nation Countries, except Italy, till March 1, 1906.—Madrid, August 15, 1905.

(Translation.)

AN Act of the 4th July, 1905, having authorized the Government to prolong up to the 1st March, 1906, if necessary, the application to importations from countries which admit Spanish products to most-favoured-nation treatment, of the duties fixed by Tariff (B) of the Commercial Convention with Switzerland of the 13th July, 1892,† in so far as such a concession be justified in the view of the Government by considerations of reciprocity.

This Convention has formed the base of our commercial relations with foreign countries, owing to the elaborate character of its Tariff ; for although other Treaties are in force, such as those with Denmark, Greece, Norway, the Netherlands and Colonies, Sweden

* Page 898.

† Vol. LXXXIV, page 223.

and Portugal, yet the five first either contain no Tariffs or only Tariffs of no importance, and the dispositions of the latter, with Portugal, are peculiar, owing to its being a neighbouring State and not applicable to other countries.

Since the Convention with Switzerland terminates at an early date, the second Tariff of the Customs régime now existing would then come into force against the products of the countries now enjoying most-favoured-nation treatment in Spain; this Tariff would again have to be modified at the introduction of the new régime in course of elaboration or on the conclusion of Commercial Treaties. Continuity in Tariff régime being desirable for the development of commerce, the latter would inevitably suffer from such violent and frequent variations, and there are, moreover, to be considered the possible retaliatory measures which would be taken against our products by other countries.

The legislative authority referred to above provides adequate measures for avoiding these difficulties, if it be applied with the promptitude required by the circumstances and the necessity of securing a sound basis for future legislation. The prolongation of the *status quo* presents no difficulties, as it applies to nearly all foreign countries—Spanish products enjoying almost universal most-favoured-nation treatment as a permanence.

Consequently such prolongation will be applied to all countries enjoying most-favoured-nation treatment until the 1st March, 1906, without prejudice to the negotiations now proceeding with Switzerland with some special reservations as regards the date of the prolongation in regard to Italy.

Italy has denounced the actual *modus vivendi*, which consequently terminates on the 21st November next, but proposed a provisional arrangement, which has not yet been concluded. Therefore the prolongation will apply to Italian products only until the 21st November unless a new *modus vivendi* be in the meantime concluded on a basis of reciprocity.

On these grounds we submit the following Decree to your Majesty.

Madrid, August 14, 1905.

Decree.

The following is decreed under the Act of the 4th July last, and in agreement with the Council of Ministers:—

ART. 1. The duties fixed by Tariff (B) of the Commercial Convention between Spain and Switzerland of the 13th July, 1892, will continue to be applied until the 1st March, 1906, to the products of Annam, Austria, Hungary, Belgium, Bolivia, Costa Rica, Denmark, Egypt, France and Algiers, Germany, Great Britain and

Colonies, Greece, Guatemala, Chile, China, Italy, Japan, Luxemburg, Morocco, Mexico, Nicaragua, Norway, Netherlands and Colonies, Paraguay, Persia, Peru, Portugal, Argentine Republic, Russia, Salvador, Siam, Sweden, Tunis, Turkey, Uruguay and Venezuela.

Art. 2. The prolongation of this régime will apply to Italian products only until the 21st November next, unless an arrangement be in the meantime come to with that country.

Art. 3. The Departments of State and of Finance will take the necessary measures for the execution of this Decree.

ALFONSO.

August 15, 1905.

CIRCULAR issued by the United States, proposing the meeting of a Second Peace Conference at The Hague.—Washington, October 21, 1904.

To the Representatives of the United States accredited to the Governments signatories to the Acts of The Hague Conference, 1899.

*Department of State, Washington,
October 21, 1904.*

SIR,

THE Peace Conference which assembled at The Hague on the 18th May, 1899, marked an epoch in the history of nations. Called by His Majesty the Emperor of Russia to discuss the problems of the maintenance of general peace, the regulation of the operations of war, and the lessening of the burdens which preparedness for eventual war entails upon modern peoples, its labours resulted in the acceptance by the Signatory Powers of Conventions for the peaceful adjustment of international difficulties by arbitration, and for certain humane amendments to the laws and customs of war by land and sea. A great work was thus accomplished by the Conference, while other phases of the general subject were left to discussion by another Conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns, and villages by a naval force.

Among the movements which prepared the minds of Governments for an accord in the direction of assured peace among men, a high place may fittingly be given to that set on foot by the Inter-Parliamentary Union. From its origin in the suggestions of a Member of the British House of Commons, in 1888, it developed until its membership included large numbers of Delegates from the Parliaments of the principal nations, pledged to exert their influence

toward the conclusion of Treaties of Arbitration between nations and toward the accomplishment of peace. Its annual Conferences have notably advanced the high purposes it sought to realize. Not only have many international Treaties of Arbitration been concluded, but, in the Conference held in Holland in 1894, the memorable declaration in favour of a Permanent Court of Arbitration was a forerunner of the most important achievement of the Peace Conference of The Hague in 1899.

The annual Conference of the Inter-Parliamentary Union was held this year at St. Louis, in appropriate connection with the world's fair. Its deliberations were marked by the same noble devotion to the cause of peace and to the welfare of humanity which had inspired its former meetings. By unanimous vote of delegates, active or retired members of the American Congress, and of every Parliament in Europe with two exceptions, the following Resolution was adopted:—

Whereas enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of Courts in accordance with recognized principles of law, this Conference requests the several Governments of the world to send Delegates to an international Conference to be held at a time and place to be agreed upon by them for the purpose of considering—

“1. The questions for the consideration of which the Conference at The Hague expressed a wish that a future Conference be called.

“2. The negotiation of Arbitration Treaties between the nations represented at the Conference to be convened.

“3. The advisability of establishing an International Congress to convene periodically for the discussion of international questions.

“And this Conference respectfully and cordially requests the President of the United States to invite all the nations to send Representatives to such a Conference.”

On the 24th September ultimo these Resolutions were presented to the President by a numerous deputation of the Inter-Parliamentary Union. The President accepted the charge offered to him, feeling it to be most appropriate that the Executive of the nation which had welcomed the Conference to its hospitality should give voice to its impressive utterances in a cause which the American Government and people hold dear. He announced that he would at an early day invite the other nations, parties to The Hague Conventions, to reassemble with a view to pushing forward toward completion the work already legun at The Hague by considering the questions which the first Conference had left unsettled with the express provision that there should be a second Conference.

In accepting this trust the President was not unmindful of the fact, so vividly brought home to all the world, that a great war is now in progress. He recalled the circumstance that at the time when, on the 24th August, 1898, His Majesty the Emperor of Russia sent forth his invitation to the nations to meet in the interests of peace, the United States and Spain had merely halted in their struggle to devise terms of peace. While at the present moment no armistice between the parties now contending is in sight, the fact of an existing war is no reason why the nations should relax the efforts they have so successfully made hitherto toward the adoption of rules of conduct which may make more remote the chances of future wars between them. In 1899 the Conference of The Hague dealt solely with the larger general problems which confront all nations, and assumed no function of intervention or suggestion in the settlement of the terms of peace between the United States and Spain. It might be the same with a reassembled Conference at the present time. Its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice which we call international law; its mission would be to give them future effect.

The President directs that you will bring the foregoing considerations to the attention of the Minister for Foreign Affairs of the Government to which you are accredited, and, in discreet conference with him, ascertain to what extent that Government is disposed to act in the matter.

Should his Excellency invite suggestions as to the character of the questions to be brought before the proposed Second Peace Conference, you may say to him that, at this time, it would seem premature to couple the tentative invitation thus extended with a categorical programme of subjects of discussion. It is only by comparison of views that a general accord can be reached as to the matters to be considered by the new Conference. It is desirable that in the formulation of a programme the distinction should be kept clear between the matters which belong to the province of international law and those which are conventional as between individual Governments. The Final Act of The Hague Conference, dated the 29th July, 1899, kept this distinction clearly in sight. Among the broader general questions affecting the right and justice of the relation of sovereign States which were then relegated to a future Conference were the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns, and villages by a naval force. The other matters mentioned in the Final Act take the form of suggestions for consideration by interested Governments.

The three points mentioned cover a large field. The first,

especially, touching the rights and duties of neutrals, is of universal importance. Its rightful disposition affects the interests and well-being of all the world. The neutral is something more than an onlooker. His acts of omission or commission may have an influence—indirect, but tangible—on a war actually in progress, whilst on the other hand he may suffer from the exigencies of the belligerents. It is this phase of warfare which deeply concerns the world at large. Efforts have been made, time and again, to formulate rules of action applicable to its more material aspects, as in the Declarations of Paris. As recently as the 28th April of this year the Congress of the United States adopted a Resolution reading thus:—

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled—

“That it is the sense of the Congress of the United States that it is desirable in the interest of uniformity of action by the Maritime States of the world in time of war that the President endeavour to bring about an understanding among the principal Maritime Powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents.

“Approved, 28th April, 1904.”

Other matters closely affecting the rights of neutrals are the distinction to be made between absolute and conditional contraband of war and the inviolability of the official and private correspondence of neutrals.

As for the duties of neutrals towards the belligerent, the field is scarcely less broad. One aspect deserves mention from the prominence it has acquired during recent times, namely, the treatment due to refugee belligerent ships in neutral ports.

It may also be desirable to consider and adopt a procedure by which States non-signatory to the original Acts of The Hague Conference may become adhering parties.

You will explain to his Excellency the Minister of Foreign Affairs that the present overture for a second Conference to complete the postponed work of the first Conference is not designed to supersede other calls for the consideration of special topics, such as the proposition of the Government of the Netherlands, recently issued, to assemble for the purpose of amending the provisions of the existing Hague Convention with respect to hospital ships. Like all tentative Conventions, that one is open to change in the light of practical experience, and the fullest deliberation is desirable to that end.

Finally, you will state the President's desire and hope that the undying memories which cling around The Hague as the cradle of

the beneficent work which had its beginning in 1899 may be strengthened by holding the Second Peace Conference in that historic city.

I am, &c.,

JOHN HAY.

UNITED STATES' CIRCULAR as to the Acceptance of the Proposal for a Second Peace Conference at The Hague, and suggesting Action on the part of the International Bureau.—Washington, December 16, 1904.

To the Representatives of the United States accredited to the Governments signatories to the Acts of The Hague Conference, 1899.

*Department of State, Washington,
December 16, 1904.*

SIR,

BY the Circular instruction, dated the 21st October, 1904,* the Representatives of the United States accredited to the several Governments which took part in the Peace Conference held at The Hague in 1899, and which joined in signing the Acts thereof, were instructed to bring to the notice of those Governments certain resolutions adopted by the Inter-Parliamentary Union at its annual Conference held at St. Louis in September last, advocating the assembling of a Second Peace Conference to continue the work of the first, and were directed to ascertain to what extent those Governments were disposed to act in the matter.

The replies so far received indicate that the proposition has been received with general favour. No dissent has found expression. The Governments of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Roumania, Spain, Sweden and Norway, and Switzerland exhibit sympathy with the purposes of the proposal, and generally accept it in principle, with a reservation in most cases of future consideration of the date of the Conference and the programme of subjects for discussion. The replies of Japan and Russia conveyed in like terms a friendly recognition of the spirit and purposes of the invitation, but, on the part of Russia, the reply was accompanied by the statement that in the existing condition of things in the Far East it would not be practicable for the Imperial Government, at this moment, to take part in such a Conference. While this reply, tending as it does to cause some postponement of the proposed Second Conference, is deeply regretted, the weight of the motive which induces it is recognized by this Government, and probably by

others. Japan made the reservation only that no action should be taken by the Conference relative to the present war.

Although the prospect of an early convocation of an august assembly of Representatives of the nations in the interest of peace and harmony among them is deferred for the time being, it may be regarded as assured so soon as the interested Powers are in a position to agree upon a date and place of meeting and to join in the formulation of a general plan for discussion. The President is much gratified at the cordial reception of his overtures. He feels that, in eliciting the common sentiment of the various Governments in favour of the principle involved, and of the objects sought to be attained, a notable step has been taken towards eventual success.

Pending a definite agreement for meeting when circumstances shall permit, it seems desirable that a comparison of views should be had among the participants as to the scope and matter of the subjects to be brought before the Second Conference. The invitation put forth by the Government of the United States did not attempt to do more than indicate the general topics which the Final Act of the First Conference of The Hague relegated, as unfinished matters, to consideration by a future Conference—adverting, in connection with the important subject of the inviolability of private property in naval warfare, to the like views expressed by the Congress of the United States in its Resolution adopted the 28th April, 1904, with the added suggestion that it may be desirable to consider and adopt a procedure by which States non-signatory to the original Acts of The Hague Conference may become adhering parties. In the present state of the project, this Government is still indisposed to formulate a programme. In view of the virtual certainty that the President's suggestion of The Hague as the place of meeting of a Second Peace Conference will be accepted by all the interested Powers, and in view also of the fact that an organized representation of the Signatories of the Acts of 1899 now exists at that capital, this Government feels that it should not assume the initiative in drawing up a programme, nor preside over the deliberations of the Signatories in that regard. It seems to the President that the high task he undertook in seeking to bring about an agreement of the Powers to meet in a Second Peace Conference is virtually accomplished so far as it is appropriate for him to act, and that, with the general acceptance of his invitation in principle, the future conduct of the affair may fitly follow its normal channels. To this end, it is suggested that the further and necessary interchange of views between the Signatories of the Acts of 1899 be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. It is believed that in this way, by utilizing the Central

Representative agency established and maintained by the Powers themselves, an orderly treatment of the preliminary consultations may be insured, and the way left clear for the eventual action of the Government of the Netherlands in calling a renewed Conference to assemble at The Hague, should that course be adopted.

You will bring this communication to the knowledge of the Minister for Foreign Affairs, and invite consideration of the suggestions herein made.

I am, &c.,

JOHN HAY.

ACT OF CONGRESS of the United States to effectuate the Provisions of the Additional Act of the International Convention for the Protection of Industrial Property.

[Public—No. 169.]

[March 3, 1903.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 4887 of the Revised Statutes is amended by changing the word "seven" to "twelve," and by inserting after the word "months" the words "in cases within the provisions of section 4886 of the Revised Statutes, and four months, in cases of designs," and by adding the following words: "An application for patent for an invention, or discovery, or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by Treaty, Convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country: Provided the application in this country is filed within twelve months in cases within the provisions of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention, or discovery, or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use, or on sale in this country for more than two years prior to such filing;" so that the section so amended shall read:—

"Section 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor

shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section 4886 of the Revised Statutes, and four months, in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

“An application for patent for an invention, or discovery, or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by Treaty, Convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country: Provided the application in this country is filed within twelve months in cases within the provisions of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention, or discovery, or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing.”

Sec. 2. That section 4892 of the Revised Statutes is amended by inserting after the words “notary public” the words “Judge or Magistrate having an official seal and authorized to administer oaths,” and by adding at the end thereof the words “whose authority shall be proved by certificate of a Diplomatic or Consular officer of the United States,” so that the section so amended shall read:—

“Section 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any Minister, Chargé d’Affaires, Consul, or Commercial Agent holding commission under the Government of the United States, or before any notary public, Judge, or Magistrate

having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a Diplomatic or Consular officer of the United States."

Sec. 3. That section 4896 of the Revised Statutes is amended by adding thereto the following sentence: "The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a Diplomatic or Consular officer of the United States"; so that the section so amended shall read as follows:—

"Section 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a Diplomatic or Consular officer of the United States."

Sec. 4. That section 4902 is amended by striking out the words "citizen of the United States" in the first line thereof, and substituting the word "person" in place thereof, and by striking out the last clause of said section; so that this section so amended shall read as follows:—

"Section 4902. Any person who makes any new invention or discovery and desires further time to mature the same may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof and of its distinguishing characteristics, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if

application is made within the year by any other person for a patent with which such caveat would in any manner interfere the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office and give notice thereof by mail to the person by whom the caveat was filed. If such person desires to avail himself of his caveat he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice."

Approved, the 3rd March, 1903.

MESSAGE of the President of the United States, on the Opening of Congress.—Washington, December 6, 1904.

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

THE nation continues to enjoy noteworthy prosperity. Such prosperity is, of course, primarily due to the high individual average of our citizenship, taken together with our great natural resources; but an important factor therein is the working of our long-continued governmental policies. The people have emphatically expressed their approval of the principles underlying these policies and their desire that these principles be kept substantially unchanged, although, of course, applied in a progressive spirit to meet changing conditions.

The enlargement of scope of the functions of the national Government required by our development as a nation involves, of course, increase of expense, and the period of prosperity through which the country is passing justifies expenditures for permanent improvements far greater than would be wise in hard times. Battle-ships and forts, public buildings and improved waterways, are investments which should be made when we have the money; but abundant revenues and a large surplus always invite extravagance, and constant care should be taken to guard against unnecessary increase of the ordinary expenses of Government. The cost of doing Government business should be regulated with the same rigid scrutiny as the cost of doing a private business.

In the vast and complicated mechanism of our modern civilized life the dominant note is the note of industrialism, and the rela-

tions of capital and labour, and especially of organized capital and organized labour, to each other and to the public at large come second in importance only to the intimate questions of family life. Our peculiar form of government, with its sharp division of authority between the nation and the several States, has been on the whole far more advantageous to our development than a more strongly centralized Government. But it is undoubtedly responsible for much of the difficulty of meeting with adequate legislation the new problems presented by the total change in industrial conditions on this continent during the last half century. In actual practice it has proved exceedingly difficult, and in many cases impossible, to get unanimity of wise action among the various States on these subjects. From the very nature of the case this is especially true of the laws affecting the employment of capital in huge masses.

With regard to labour the problem is no less important, but it is simpler. As long as the States retain the primary control of the police power the circumstances must be altogether extreme which require interference by the Federal authorities, whether in the way of safeguarding the rights of labour or in the way of seeing that wrong is not done by unruly persons who shield themselves behind the name of labour. If there is resistance to the Federal Courts, interference with the mails or inter-State commerce, or molestation of Federal property, or if the State authorities, in some crisis which they are unable to face, call for help, then the Federal Government may interfere; but though such interference may be caused by a condition of things arising out of trouble connected with some question of labour, the interference itself simply takes the form of restoring order without regard to the questions which have caused the breach of order, for to keep order is a primary duty, and in a time of disorder and violence all other questions sink into abeyance until order has been restored. In the District of Columbia and in the Territories the Federal law covers the entire field of government; but the labour question is only acute in populous centres of commerce, manufactures, or mining. Nevertheless, both in the enactment and in the enforcement of law the Federal Government within its restricted sphere should set an example to the State Governments, especially in a matter so vital as this affecting labour. I believe that, under modern industrial conditions, it is often necessary, and even where not necessary it is yet often wise, that there should be organization of labour in order better to secure the rights of the individual wage-worker. All encouragement should be given to any such organization so long as it is conducted with a due and decent regard for the rights of others. There are in this country some labour unions which have habitually, and other labour unions which have often, been among the most effective agents in working

for good citizenship and for uplifting the condition of those whose welfare should be closest to our hearts. But when any labour union seeks improper ends, or seeks to achieve proper ends by improper means, all good citizens, and more especially all honourable public servants, must oppose the wrongdoing as resolutely as they would oppose the wrongdoing of any great corporation. Of course, any violence, brutality, or corruption should not for one moment be tolerated. Wage-workers have an entire right to organize, and by all peaceful and honourable means to endeavour to persuade their fellows to join with them in organizations. They have a legal right, which, according to circumstances, may or may not be a moral right, to refuse to work in company with men who decline to join their organizations. They have under no circumstances the right to commit violence upon those, whether capitalists or wage-workers, who refuse to support their organizations, or who side with those with whom they are at odds, for mob rule is intolerable in any form.

The wage-workers are peculiarly entitled to the protection and the encouragement of the law. From the very nature of their occupation, railroad men, for instance, are liable to be maimed in doing the legitimate work of their profession, unless the railroad companies are required by law to make ample provision for their safety. The Administration has been zealous in enforcing the existing law for this purpose. That law should be amended and strengthened. Wherever the National Government has power there should be a stringent employer's liability law, which should apply to the Government itself where the Government is an employer of labour.

In my Message to the Fifty-seventh Congress, at its second Session, I urged the passage of an employer's liability law for the District of Columbia. I now renew that recommendation, and further recommend that the Congress appoint a Commission to make a comprehensive study of employer's liability with the view of extending the provisions of a great and constitutional law to all employments within the scope of Federal power.

The Government has recognized heroism upon the water, and bestows medals of honour upon those persons who, by extreme and heroic daring, have endangered their lives in saving, or endeavouring to save lives from the perils of the sea in the waters over which the United States has jurisdiction, or upon an American vessel. This recognition should be extended to cover cases of conspicuous bravery and self-sacrifice in the saving of life in private employments under the jurisdiction of the United States, and particularly in the land commerce of the nation.

The ever increasing casualty list upon our railroads is a matter of grave public concern, and urgently calls for action by the

Congress. In the matter of speed and comfort of railway travel our railroads give at least as good service as those of any other nation, and there is no reason why this service should not also be as safe as human ingenuity can make it. Many of our leading roads have been foremost in the adoption of the most approved safeguards for the protection of travellers and employés, yet the list of clearly avoidable accidents continues unduly large. The passage of a law requiring the adoption of a block-signal system has been proposed to the Congress. I earnestly concur in that recommendation, and would also point out to the Congress the urgent need of legislation in the interest of the public safety limiting the hours of labour for railroad employés in train service upon railroads engaged in inter-State commerce, and providing that only trained and experienced persons be employed in positions of responsibility connected with the operation of trains. Of course, nothing can ever prevent accidents caused by human weakness or misconduct, and there should be drastic punishment for any railroad employé, whether officer or man, who by issuance of wrong orders or by disobedience of orders causes disaster. The Law of 1901, requiring inter-State railroads to make monthly reports of all accidents to passengers and employés on duty, should also be amended so as to empower the Government to make a personal investigation, through proper officers, of all accidents involving loss of life which seem to require investigation, with a requirement that the results of such investigation be made public.

The Safety Appliance Law, as amended by the Act of the 2nd March, 1903, has proved beneficial to railway employés, and in order that its provisions may be properly carried out, the force of inspectors provided for by appropriation should be largely increased. This service is analogous to the Steamboat Inspection Service, and deals with even more important interests. It has passed the experimental stage and demonstrated its utility, and should receive generous recognition by the Congress.

There is no objection to employés of the Government forming or belonging to unions, but the Government can neither discriminate for nor discriminate against non-union men who are in its employment, or who seek to be employed under it. Moreover, it is a very grave impropriety for Government employés to band themselves together for the purpose of extorting improperly high salaries from the Government. Especially is this true of those within the classified service. The letter carriers, both municipal and rural, are as a whole an excellent body of public servants. They should be amply paid. But their payment must be obtained by arguing their claims fairly and honourably before the Congress, and not by banding together for the defeat of those Congressmen who refuse to give

promises which they cannot in conscience give. The Administration has already taken steps to prevent and punish abuses of this nature, but it will be wise for the Congress to supplement this action by legislation.

Much can be done by the Government in labour matters merely by giving publicity to certain conditions. The Bureau of Labour has done excellent work of this kind in many different directions. I shall shortly lay before you in a special Message the full Report of the investigation of the Bureau of Labour into the Colorado mining strike, as this is a strike in which certain very evil forces, which are more or less at work everywhere under the conditions of modern industrialism, became startlingly prominent. It is greatly to be wished that the Department of Commerce and Labour, through the Labour Bureau, should compile and arrange for the Congress a list of the labour laws of the various States, and should be given the means to investigate and report to the Congress upon the labour conditions in the manufacturing and mining regions throughout the country, both as to wages, as to hours of labour, as to the labour of women and children, and as to the effect in the various labour centres of immigration from abroad. In this investigation especial attention should be paid to the conditions of child labour and child-labour legislation in the several States. Such an investigation must necessarily take into account many of the problems with which this question of child labour is connected. These problems can be actually met in most cases only by the States themselves; but the lack of proper legislation in one State in such a matter as child labour often renders it excessively difficult to establish protective restriction upon the work in another State having the same industries, so that the worst tends to drag down the better. For this reason it would be well for the nation at least to endeavour to secure comprehensive information as to the conditions of labour of children in the different States. Such investigation and publication by the national Government would tend toward the securing of approximately uniform legislation of the proper character among the several States.

When we come to deal with great corporations, the need for the Government to act directly is far greater than in the case of labour, because great corporations can become such only by engaging in inter-State commerce, and inter-State commerce is peculiarly the field of the General Government. It is an absurdity to expect to eliminate the abuses in great corporations by State action. It is difficult to be patient with an argument that such matters should be left to the States, because more than one State pursues the policy of creating on easy terms corporations which are never operated within that State at all, but in other States, whose laws they ignore. The

national Government alone can deal adequately with these great corporations. To try to deal with them in an intemperate, destructive, or demagogic spirit would in all probability mean that nothing whatever would be accomplished, and, with absolute certainty, that if anything were accomplished it would be of a harmful nature. The American people need to continue to show the very qualities that they have shown—that is, moderation, good sense, the earnest desire to avoid doing any damage, and yet the quiet determination to proceed step by step, without halt and without hurry, in eliminating, or at least in minimizing, whatever of mischief or of evil there is to inter-State commerce in the conduct of great corporations. They are acting in no spirit of hostility to wealth, either individual or corporate. They are not against the rich man any more than against the poor man. On the contrary, they are friendly alike toward rich man and toward poor man, provided only that each acts in a spirit of justice and decency toward his fellows. Great corporations are necessary, and only men of great and singular mental power can manage such corporations successfully, and such men must have great rewards. But these corporations should be managed with due regard to the interest of the public as a whole. Where this can be done under the present laws, it must be done; where these laws come short, others should be enacted to supplement them.

Yet we must never forget the determining factor in every kind of work, of head or hand, must be the man's own good sense, courage, and kindness. More important than any legislation is the gradual growth of a feeling of responsibility and forbearance among capitalists and wage-workers alike; a feeling of respect on the part of each man for the rights of others; a feeling of broad community of interest, not merely of capitalists among themselves, and of wage-workers among themselves, but of capitalists and wage-workers in their relations to each other, and of both in their relations to their fellows who with them make up the body politic. There are many captains of industry, many labour leaders, who realize this. A recent speech by the President of one of our great railroad systems to the employés of that system contains sound common sense. It runs in part as follows:—

“It is my belief we can better serve each other, better understand the man as well as his business, when meeting face to face, exchanging views, and realizing from personal contact we serve but one interest, that of our mutual prosperity.

“Serious misunderstandings cannot occur where personal goodwill exists and opportunity for personal explanation is present.

“In my early business life I had experience with men of affairs of a character to make me desire to avoid creating a like feeling

of resentment to myself and the interests in my charge, should fortune ever place me in authority, and I am solicitous of a measure of confidence on the part of the public and our employés that I shall hope may be warranted by the fairness and good-fellowship I intend shall prevail in our relationship.

"But do not feel I am disposed to grant unreasonable requests, spend the money of our company unnecessarily or without value received, nor expect the days of mistakes are disappearing, or that cause for complaint will not continually occur. Simply to correct such abuses as may be discovered, to better conditions as fast as reasonably may be expected, constantly striving, with varying success, for that improvement we all desire, to convince you there is a force at work in the right direction, all the time making progress, is the disposition with which I have come among you, asking your goodwill and encouragement.

"The day has gone by when a corporation can be handled successfully in defiance of the public will, even though that will be unreasonable and wrong. A public may be led, but not driven, and I prefer to go with it and shape or modify, in a measure, its opinion, rather than be swept from my bearings, with loss to myself and the interests in my charge.

"Violent prejudice exists towards corporate activity and capital to-day, much of it founded in reason, more in apprehension, and a large measure is due to the personal traits of arbitrary, unreasonable, incompetent, and offensive men in positions of authority. The accomplishment of results by indirection, the endeavour to thwart the intention, if not the expressed letter of the law (the will of the people), a disregard of the rights of others, a disposition to withhold what is due, to force by main strength or inactivity a result not justified, depending upon the weakness of the claimant, and his indisposition to become involved in litigation, has created a sentiment harmful in the extreme and a disposition to consider anything fair that gives gain to the individual at the expense of the company.

"If corporations are to continue to do the world's work, as they are best fitted to, these qualities in their representatives that have resulted in the present prejudice against them must be relegated to the background. The corporations must come out into the open and see and be seen. They must take the public into their confidence and ask for what they want, and no more, and be prepared to explain satisfactorily what advantage will accrue to the public if they are given their desires; for they are permitted to exist not that they may make money solely, but that they may effectively serve those from whom they derive their power.

"Publicity, and not secrecy, will win hereafter, and laws be

construed by their intent and not by their letter; otherwise public utilities will be owned and operated by the public which created them, even though the service be less efficient and the result less satisfactory from a financial standpoint."

The Bureau of Corporations has made careful preliminary investigation of many important corporations. It will make a special Report on the beef industry.

The policy of the Bureau is to accomplish the purposes of its creation by co-operation, not antagonism; by making constructive legislation, not destructive prosecution, the immediate object of its inquiries; by conservative investigation of law and fact, and by refusal to issue incomplete and hence necessarily inaccurate Reports. Its policy being thus one of open inquiry into, and not attack upon, business, the Bureau has been able to gain not only the confidence, but, better still, the co-operation of men engaged in legitimate business.

The Bureau offers to the Congress the means of getting at the cost of production of our various great staples of commerce.

Of necessity the careful investigation of special corporations will afford the Commissioner knowledge of certain business facts, the publication of which might be an improper infringement of private rights. The method of making public the results of these investigations affords, under the law, a means for the protection of private rights. The Congress will have all facts, except such as would give to another corporation information which would injure the legitimate business of a competitor and destroy the incentive for individual superiority and thrift.

The Bureau has also made exhaustive examinations into the legal condition under which corporate business is carried on in the various States; into all judicial decisions on the subject; and into the various systems of corporate taxation in use. I call special attention to the report of the Chief of the Bureau; and I earnestly ask that the Congress carefully consider the report and recommendations of the Commissioner on this subject.

The business of insurance vitally affects the great mass of the people of the United States, and is national and not local in its application. It involves a multitude of transactions among the people of the different States and between American companies and foreign Governments. I urge that the Congress carefully consider whether the power of the Bureau of Corporations cannot constitutionally be extended to cover inter-State transactions in insurance.

Above all else, we must strive to keep the highways of commerce open to all on equal terms; and to do this it is necessary to put a complete stop to all rebates. Whether the shipper or the railroad

is to blame makes no difference; the rebate must be stopped, the abuses of the private car and private terminal-track and side-track systems must be stopped, and the legislation of the Fifty-eighth Congress, which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in inter-State or foreign commerce whereby such property shall by any device whatever be transported at a less rate than that named in the tariffs published by the carrier must be enforced. For some time after the enactment of the Act to regulate commerce it remained a mooted question whether that Act conferred upon the Inter-State Commerce Commission the power, after it had found a challenged rate to be unreasonable, to declare what thereafter should, *prima facie*, be the reasonable maximum rate for the transportation in dispute. The Supreme Court finally resolved that question in the negative, so that as the law now stands the Commission simply possess the bare power to denounce a particular rate as unreasonable. While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the Court of Review. The Government must in increasing degree supervise and regulate the workings of the railways engaged in inter-State commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. In my judgment the most important legislative Act now needed as regards the regulation of corporations is this Act to confer on the Inter-State Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect, and to stay in effect unless and until the Court of Review reverses it.

Steam-ship companies engaged in inter-State commerce and protected in our coastwise trade, should be held to a strict observance of the Inter-State Commerce Act.

In pursuing the set plan to make the City of Washington an example to other American municipalities several points should be kept in mind by the legislators. In the first place, the people of this country should clearly understand that no amount of industrial prosperity, and above all no leadership in international industrial competition, can in any way atone for the sapping of the vitality of

those who are usually spoken of as the working classes. The farmers, the mechanics, the skilled and unskilled labourers, the small shopkeepers, make up the bulk of the population of any country; and upon their well-being, generation after generation, the well-being of the country and the race depends. Rapid development in wealth and industrial leadership is a good thing, but only if it goes hand in hand with improvement, and not deterioration, physical and moral. The overcrowding of cities and the draining of country districts are unhealthy and even dangerous symptoms in our modern life. We should not permit overcrowding in cities. In certain European cities it is provided by law that the population of towns shall not be allowed to exceed a very limited density for a given area, so that the increase in density must be continually pushed back into a broad zone around the centre of the town, this zone having great avenues or parks within it. The death-rate statistics show a terrible increase in mortality, and especially in infant mortality, in overcrowded tenements. The poorest families in tenement houses live in one room, and it appears that in these one-room tenements the average death rate for a number of given cities at home and abroad is about twice what it is in a two-room tenement, four times what it is in a three-room tenement, and eight times what it is in a tenement consisting of four rooms or over. These figures vary somewhat for different cities, but they approximate in each city those given above; and in all cases the increase of mortality, and especially of infant mortality, with the decrease in the number of rooms used by the family and with the consequent overcrowding is startling. The slum exacts a heavy total of death from those who dwell therein; and this is the case not merely in the great crowded slums of high buildings in New York and Chicago, but in the alley slums of Washington. In Washington people cannot afford to ignore the harm that this causes. No Christian and civilized community can afford to show a happy-go-lucky lack of concern for the youth of to-day; for, if so, the community will have to pay a terrible penalty of financial burden and social degradation in the to-morrow. There should be severe child-labour and factory-inspection laws. It is very desirable that married women should not work in factories. The prime duty of the man is to work, to be the breadwinner; the prime duty of the woman is to be the mother, the housewife. All questions of tariff and finance sink into utter insignificance when compared with the tremendous, the vital importance of trying to shape conditions so that these two duties of the man and of the woman can be fulfilled under reasonably favourable circumstances. If a race does not have plenty of children, or if the children do not grow up, or if when they grow up they are unhealthy in body and stunted or vicious in

mind, then that race is decadent, and no heaping up of wealth, no splendour of momentary material prosperity, can avail in any degree as offsets.

The Congress has the same power of legislation for the District of Columbia which the State Legislatures have for the various States. The problems incident to our highly complex modern industrial civilization, with its manifold and perplexing tendencies both for good and for evil, are far less sharply accentuated in the City of Washington than in most other cities. For this very reason it is easier to deal with the various phases of these problems in Washington, and the District of Columbia Government should be a model for the other municipal governments of the nation, in all such matters as supervision of the housing of the poor, the creation of small parks in the districts inhabited by the poor, in laws affecting labour, in laws providing for the taking care of the children, in truant laws, and in providing schools.

In the vital matter of taking care of children, much advantage could be gained by a careful study of what has been accomplished in such States as Illinois and Colorado by the Juvenile Courts. The work of the Juvenile Court is really a work of character building. It is now generally recognized that young boys and young girls who go wrong should not be treated as criminals, not even necessarily as needing reformation, but rather as needing to have their characters formed, and for this end to have them tested and developed by a system of probation. Much admirable work has been done in many of our Commonwealths by earnest men and women who have made a special study of the needs of those classes of children which furnish the greatest number of juvenile offenders, and therefore the greatest number of adult offenders; and by their aid, and by profiting by the experiences of the different States and cities in these matters, it would be easy to provide a good code for the District of Columbia.

Several considerations suggest the need for a systematic investigation into and improvement of housing conditions in Washington. The hidden residential alleys are breeding grounds of vice and disease, and should be opened into minor streets. For a number of years influential citizens have joined with the District Commissioners in the vain endeavour to secure laws permitting the condemnation of insanitary dwellings. The local death rates, especially from preventable diseases, are so unduly high as to suggest that the exceptional wholesomeness of Washington's better sections is offset by bad conditions in her poorer neighbourhoods. A special "Commission on Housing and Health Conditions in the National Capital" would not only bring about the reformation of existing evils, but would also formulate an appropriate building code to protect the

city from mammoth brick tenements and other evils which threaten to develop here as they have in other cities. That the nation's capital should be made a model for other municipalities is an ideal which appeals to all patriotic citizens everywhere, and such a special Commission might map out and organize the city's future development in lines of civic social service, just as Major L'Enfant and the recent Park Commission planned the arrangement of her streets and parks.

It is mortifying to remember that Washington has no compulsory school attendance law and that careful inquiries indicate the habitual absence from school of some 20 per cent. of all children between the ages of 8 and 14. It must be evident to all who consider the problems of neglected child life or the benefits of compulsory education in other cities that one of the most urgent needs of the national capital is a law requiring the school attendance of all children, this law to be enforced by attendance agents directed by the Board of Education.

Public play-grounds are necessary means for the development of wholesome citizenship in modern cities. It is important that the work inaugurated here through voluntary efforts should be taken up and extended through Congressional appropriation of funds sufficient to equip and maintain numerous convenient small play-grounds upon land which can be secured without purchase or rental. It is also desirable that small vacant places be purchased and reserved as small-park play-grounds in densely settled sections of the city which now have no public open spaces, and are destined soon to be built up solidly. All these needs should be met immediately. To meet them would entail expenses, but a corresponding saving could be made by stopping the building of streets and levelling of ground for purposes largely speculative in outlying parts of the city.

There are certain offenders, whose criminality takes the shape of brutality and cruelty towards the weak, who need a special type of punishment. The wife-beater, for example, is inadequately punished by imprisonment; for imprisonment may often mean nothing to him, while it may cause hunger and want to the wife and children who have been the victims of his brutality. Probably some form of corporal punishment would be the most adequate way of meeting this kind of crime.

The Department of Agriculture has grown into an educational institution with a faculty of 2,000 specialists making research into all the sciences of production. The Congress appropriates, directly and indirectly, 6,000,000 dollars annually to carry on this work. It reaches every State and territory in the Union and the islands of the sea lately come under our flag. Co-operation is had with the State experiment stations, and with many other institutions and

individuals. The world is carefully searched for new varieties of grains, fruits, grasses, vegetables, trees, and shrubs suitable to various localities in our country, and marked benefit to our producers has resulted.

The activities of our age in lines of research have reached the tillers of the soil and inspired them with ambition to know more of the principles that govern the forces of nature with which they have to deal. Nearly half of the people of this country devote their energies to growing things from the soil. Until a recent date little has been done to prepare these millions for their life work. In most lines of human activity college-trained men are the leaders. The farmer had no opportunity for special training until the Congress made provision for it forty years ago. During these years progress has been made, and teachers have been prepared. Over 5,000 students are in attendance at our State agricultural colleges. The Federal Government expends 10,000,000 dollars annually toward this education and for research in Washington and in the several States and territories. The Department of Agriculture has given facilities for post-graduate work to 500 young men during the last seven years, preparing them for advanced lines of work in the Department and in the State institutions.

The facts concerning meteorology and its relations to plant and animal life are being systematically inquired into. Temperature and moisture are controlling factors in all agricultural operations. The seasons of the cyclones of the Caribbean Sea and their paths are being forecasted with increasing accuracy. The cold winds that come from the north are anticipated, and their times and intensity told to farmers, gardeners, and fruiterers in all southern localities.

We sell 250,000,000 dollars' worth of animals and animal products to foreign countries every year, in addition to supplying our own people more cheaply and abundantly than any other nation is able to provide for its people. Successful manufacturing depends primarily on cheap food, which accounts to a considerable extent for our growth in this direction. The Department of Agriculture, by careful inspection of meats, guards the health of our people and gives clean bills of health to deserving exports; it is prepared to deal promptly with imported diseases of animals, and maintain the excellence of our flocks and herds in this respect. There should be an annual census of the live-stock of the nation.

We sell abroad about 600,000,000 dollars' worth of plants and their products every year. Strenuous efforts are being made to import from foreign countries such grains as are suitable to our varying localities. Seven years ago we bought three-fourths of our

rice; by helping the rice growers on the Gulf coast to secure seeds from the Orient suited to their conditions, and by giving them adequate protection, they now supply home demand and export to the islands of the Caribbean Sea and to other rice-growing countries. Wheat and other grains have been imported from light-rainfall countries to our lands in the west and south-west that have not grown crops because of light precipitation, resulting in an extensive addition to our cropping area and our home-making territory that cannot be irrigated. Ten million bushels of first-class macaroni wheat were grown from these experimental importations last year. Fruits suitable to our soils and climates are being imported from all the countries of the Old World—the fig from Turkey, the almond from Spain, the date from Algeria, the mango from India. We are helping our fruit growers to get their crops into European markets by studying methods of preservation through refrigeration, packing, and handling, which have been quite successful. We are helping our hop growers by importing varieties that ripen earlier and later than the kinds they have been raising, thereby lengthening the harvesting season. The cotton crop of the country is threatened with root rot, the boll worm, and the boll weevil. Our pathologists will find immune varieties that will resist the root disease, and the boll worm can be dealt with, but the boll weevil is a serious menace to the cotton crop. It is a Central American insect that has become acclimated in Texas and has done great damage. A scientist of the Department of Agriculture has found the weevil at home in Guatemala being kept in check by an ant, which has been brought to our cotton fields for observation. It is hoped that it may serve a good purpose.

The soils of the country are getting attention from the farmer's standpoint, and interesting results are following. We have duplicates of the soils that grow the wrapper tobacco in Sumatra and the filler tobacco in Cuba. It will be only a question of time when the large amounts paid to these countries will be paid to our own people. The reclamation of alkali lands is progressing, to give object lessons to our people in methods by which worthless lands may be made productive.

The insect friends and enemies of the farmer are getting attention. The enemy of the San Jose scale was found near the Great Wall of China, and is now cleaning up all our orchards. The fig-fertilizing insect imported from Turkey has helped to establish an industry in California that amounts to from 50 to 100 tons of dried figs annually, and is extending over the Pacific coast. A parasitic fly from South Africa is keeping in subjection the black scale, the worst pest of the orange and lemon industry in California.

Careful preliminary work is being done towards producing our own silk. The mulberry is being distributed in large numbers, eggs are being imported and distributed, improved reels were imported from Europe last year, and two expert reelers were brought to Washington to reel the crop of cocoons and teach the art to our own people.

The crop-reporting system of the Department of Agriculture is being brought closer to accuracy every year. It has 250,000 reporters selected from people in eight vocations in life. It has arrangements with most European countries for interchange of estimates, so that our people may know as nearly as possible with what they must compete.

During the two and a-half years that have elapsed since the passage of the Reclamation Act rapid progress has been made in the surveys and examinations of the opportunities for reclamation in the thirteen States and three territories of the arid West. Construction has already been begun on the largest and most important of the irrigation works, and plans are being completed for works which will utilize the funds now available. The operations are being carried on by the Reclamation Service, a corps of engineers selected through competitive Civil Service examinations. This corps includes experienced consulting and constructing engineers, as well as various experts in mechanical and legal matters, and is composed largely of men who have spent most of their lives in practical affairs connected with irrigation. The larger problems have been solved, and it now remains to execute with care, economy, and thoroughness the work which has been laid out. All important details are being carefully considered by Boards of consulting engineers, selected for their thorough knowledge and practical experience. Each project is taken up on the ground by competent men and viewed from the standpoint of the creation of prosperous homes, and of promptly refunding to the Treasury the cost of construction. The Reclamation Act has been found to be remarkably complete and effective and so broad in its provisions that a wide range of undertakings has been possible under it. At the same time economy is guaranteed by the fact that the funds must ultimately be returned to be used over again.

It is the cardinal principle of the forest-reserve policy of this Administration that the reserves are for use. Whatever interferes with the use of their resources is to be avoided by every possible means. But these resources must be used in such a way as to make them permanent.

The forest policy of the Government is just now a subject of vivid public interest throughout the West and to the people of the United States in general. The forest reserves themselves are of

extreme value to the present as well as to the future welfare of all the western public-land States. They powerfully affect the use and disposal of the public lands. They are of special importance, because they preserve the water supply and the supply of timber for domestic purposes, and so promote settlement under the Reclamation Act. Indeed, they are essential to the welfare of every one of the great interests of the West.

Forest reserves are created for two principal purposes. The first is to preserve the water supply. This is their most important use. The principal users of the water thus preserved are irrigation ranchers and settlers, cities and towns to whom their municipal water supplies are of the very first importance, users and furnishers of water power, and the users of water for domestic, manufacturing, mining, and other purposes. All these are directly dependent upon the forest reserves.

The second reason for which forest reserves are created is to preserve the timber supply for various classes of wood users. Among the more important of these are settlers under the Reclamation Act and other Acts, for whom a cheap and accessible supply of timber for domestic uses is absolutely necessary; miners and prospectors, who are in serious danger of losing their timber supply by fire or through export by lumber companies when timber lands adjacent to their mines pass into private ownership; lumbermen, transportation companies, builders, and commercial interests in general.

Although the wisdom of creating forest reserves is nearly everywhere heartily recognized, yet in a few localities there has been misunderstanding and complaint. The following statement is therefore desirable:—

The forest-reserve policy can be successful only when it has the full support of the people of the West. It cannot safely, and should not in any case, be imposed upon them against their will. But neither can we accept the views of those whose only interest in the forest is temporary; who are anxious to reap what they have not sown and then move away, leaving desolation behind them. On the contrary, it is everywhere and always the interest of the permanent settler and the permanent business man, the man with a stake in the country, which must be considered and which must decide.

The making of forest reserves within railroad and waggon-road land-grant limits will hereafter, as for the past three years, be so managed as to prevent the issue, under the Act of the 4th June, 1897, of base for exchange or lieu selection (usually called scrip). In all cases where forest reserves within areas covered by land grants appear to be essential to the prosperity of settlers, miners, or others, the Government lands within such proposed forest reserves

will, as in the recent past, be withdrawn from sale or entry pending the completion of such negotiations with the owners of the land grants as will prevent the creation of so-called scrip.

It was formerly the custom to make forest reserves without first getting definite and detailed information as to the character of land and timber within their boundaries. This method of action often resulted in badly chosen boundaries and consequent injustice to settlers and others. Therefore this Administration adopted the present method of first withdrawing the land from disposal, followed by careful examination on the ground and the preparation of detailed maps and descriptions, before any forest reserve is created.

I have repeatedly called attention to the confusion which exists in Government forest matters because the work is scattered among three independent organizations. The United States is the only one of the great nations in which the forest work of the Government is not concentrated under one department, in consonance with the plainest dictates of good administration and common sense. The present arrangement is bad from every point of view. Merely to mention it is to prove that it should be terminated at once. As I have repeatedly recommended, all the forest work of the Government should be concentrated in the Department of Agriculture, where the larger part of that work is already done; where practically all of the trained foresters of the Government are employed; where, chiefly in Washington, there is comprehensive first-hand knowledge of the problems of the reserves acquired on the ground; where all problems relating to growth from the soil are already gathered, and where all the sciences auxiliary to forestry are at hand for prompt and effective co-operation. These reasons are decisive in themselves, but it should be added that the great organizations of citizens whose interests are affected by the forest reserves, such as the National Live-Stock Association, the National Wool Growers' Association, the American Mining Congress, the National Irrigation Congress, and the National Board of Trade, have uniformly, emphatically, and most of them repeatedly, expressed themselves in favour of placing all Government forest work in the Department of Agriculture because of the peculiar adaptation of that Department for it. It is true, also, that the forest services of nearly all the great nations of the world are under the respective Departments of Agriculture, while in but two of the smaller nations and in one Colony are they under the Department of the Interior. This is the result of long and varied experience, and it agrees fully with the requirements of good administration in our own case.

The creation of a Forest Service in the Department of Agriculture will have for its important results—

1. A better handling of all forest work, because it will be under

a single head, and because the vast and indispensable experience of the Department in all matters pertaining to the forest reserves, to forestry in general, and to other forms of production from the soil will be easily and rapidly accessible.

2. The reserves themselves, being handled from the point of view of the man in the field, instead of the man in the office, will be more easily and more widely useful to the people of the West than has been the case hitherto.

3. Within a comparatively short time the reserves will become self-supporting. This is important, because continually and rapidly increasing appropriations will be necessary for the proper care of this exceedingly important interest of the nation, and they can, and should, be offset by returns from the national forests. Under similar circumstances the forest possessions of other great nations form an important source of revenue to their Governments.

Every administrative officer concerned is convinced of the necessity for the proposed consolidation of forest work in the Department of Agriculture, and I myself have urged it more than once in former Messages. Again, I commend it to the early and favourable consideration of the Congress. The interests of the nation at large, and of the West in particular, have suffered greatly because of the delay.

I call the attention of the Congress again to the report and recommendation of the Commission on the Public Lands, forwarded by me to the second Session of the present Congress. The Commission has prosecuted its investigations actively during the past season, and a second report is now in an advanced stage of preparation.

In connection with the work of the forest reserves I desire again to urge upon the Congress the importance of authorizing the President to set aside certain portions of these reserves or other public lands as game refuges for the preservation of the bison, the wapiti, and other large beasts once so abundant in our woods and mountains and on our great plains, and now tending towards extinction. Every support should be given to the authorities of the Yellowstone Park in their successful efforts at preserving the large creatures therein; and at very little expense portions of the public domain in other regions which are wholly unsuited to agricultural settlement could be similarly utilized. We owe it to future generations to keep alive the noble and beautiful creatures which, by their presence, add such distinctive character to the American wilderness. The limits of the Yellowstone Park should be extended southwards. The Canyon of the Colorado should be made a national park; and the national-park system should include the Yosemite and as many as possible of the groves of giant trees in California.

The veterans of the Civil War have a claim upon the nation such as no other body of our citizens possess. The Pension Bureau has never in its history been managed in a more satisfactory manner than is now the case.

The progress of the Indians towards civilization, though not rapid, is perhaps all that could be hoped for in view of the circumstances. Within the past year many tribes have shown, in a degree greater than ever before, an appreciation of the necessity of work. This changed attitude is in part due to the policy recently pursued of reducing the amount of subsistence to the Indians, and thus forcing them, through sheer necessity, to work for a livelihood. The policy, though severe, is a useful one, but it is to be exercised only with judgment and with a full understanding of the conditions which exist in each community for which it is intended. On or near the Indian reservations there is usually very little demand for labour, and if the Indians are to earn their living and when work cannot be furnished from outside (which is always preferable), then it must be furnished by the Government. Practical instruction of this kind would in a few years result in the forming of habits of regular industry, which would render the Indian a producer, and would effect a great reduction in the cost of his maintenance.

It is commonly declared that the slow advance of the Indians is due to the unsatisfactory character of the men appointed to take immediate charge of them, and to some extent this is true. While the standard of the employés in the Indian Service shows great improvement over that of bygone years, and while actual corruption or flagrant dishonesty is now the rare exception, it is nevertheless the fact that the salaries paid Indian agents are not large enough to attract the best men to that field of work. To achieve satisfactory results the official in charge of an Indian tribe should possess the high qualifications which are required in the manager of a large business; but only in exceptional cases is it possible to secure men of such a type for these positions. Much better service, however, might be obtained from those now holding the places were it practicable to get out of them the best that is in them, and this should be done by bringing them constantly into closer touch with their superior officers. An agent who has been content to draw his salary, giving in return the least possible equivalent in effort and service, may, by proper treatment, by suggestion and encouragement or persistent urging, be stimulated to greater effort and induced to take a more active personal interest in his work.

Under existing conditions an Indian agent in the distant West may be wholly out of touch with the office of the Indian Bureau. He may very well feel that no one takes a personal interest in him or his efforts. Certain routine duties in the way of reports and accounts

are required of him, but there is no one with whom he may intelligently consult on matters vital to his work, except after long delay. Such a man would be greatly encouraged and aided by personal contact with some one whose interest in Indian affairs and whose authority in the Indian Bureau were greater than his own, and such contact would be certain to arouse and constantly increase the interest he takes in his work.

The distance which separates the agents—the workers in the field—from the Indian Office in Washington is a chief obstacle to Indian progress. Whatever shall more closely unite these two branches of the Indian Service, and shall enable them to co-operate more heartily and more effectively, will be for the increased efficiency of the work and the betterment of the race for whose improvement the Indian Bureau was established. The appointment of a field assistant to the Commissioner of Indian Affairs would be certain to insure this good end. Such an official, if possessed of the requisite energy and deep interest in the work, would be a most efficient factor in bringing into closer relationship and a more direct union of effort the Bureau in Washington and its agents in the field; and with the co-operation of its branches thus secured the Indian Bureau would, in measure fuller than ever before, lift up the savage toward that self-help and self-reliance which constitute the man.

In 1907 there will be held at Hampton Roads the tricentennial celebration of the settlement at Jamestown, Virginia, with which the history of what has now become the United States really begins. I commend this to your favourable consideration. It is an event of prime historic significance, in which all the people of the United States should feel, and should show, great and general interest.

In the Post-Office Department the service has increased in efficiency, and conditions as to revenue and expenditure continue satisfactory. The increase of revenue during the year was 9,358,181 dol. 10 c., or 6.9 per cent., the total receipts amounting to 143,382,624 dol. 34 c. The expenditures were 152,362,116 dol. 70 c. an increase of about 9 per cent. over the previous year, being thus 8,979,492 dol. 36 c. in excess of the current revenue. Included in these expenditures was a total appropriation of 12,956,637 dol. 35 c. for the continuation and extension of the rural free-delivery service, which was an increase of 4,902,237 dol. 35 c. over the amount expended for this purpose in the preceding fiscal year. Large as this expenditure has been the beneficent results attained in extending the free distribution of mails to the residents of rural districts have justified the wisdom of the outlay. Statistics brought down to the 1st October, 1904, show that on that date there were 27,138 rural routes established, serving approximately 12,000,000 of people in rural districts remote from post-offices, and

that there were pending at that time 3,859 petitions for the establishment of new rural routes. Unquestionably some part of the general increase in receipts is due to the increased postal facilities which the rural service has afforded. The revenues have also been aided greatly by amendments in the classification of mail matter, and the curtailment of abuses of the second-class mailing privilege. The average increase in the volume of mail matter for the period beginning with 1902 and ending June 1905 (that portion for 1905 being estimated), is 40·47 per cent., as compared with 25·46 per cent for the period immediately preceding, and 15·92 for the four-year period immediately preceding that.

Our Consular system needs improvement. Salaries should be substituted for fees, and the proper classification, grading, and transfer of Consular officers should be provided. I am not prepared to say that a competitive system of examinations for appointment would work well; but by law it should be provided that Consuls should be familiar, according to places for which they apply, with the French, German, or Spanish languages, and should possess acquaintance with the resources of the United States.

The collection of objects of art contemplated in section 5586 of the Revised Statutes should be designated and established as a National Gallery of Art; and the Smithsonian Institution should be authorized to accept any additions to said collection that may be received by gift, bequest, or devise.

It is desirable to enact a proper national quarantine law. It is most undesirable that a State should on its own initiative enforce quarantine regulations which are in effect a restriction upon inter-State and international commerce. The question should properly be assumed by the Government alone. The Surgeon-General of the National Public Health and Marine Hospital Service has repeatedly and convincingly set forth the need for such legislation.

I call your attention to the great extravagance in printing and binding Government publications, and especially to the fact that altogether too many of these publications are printed. There is a constant tendency to increase their number and their volume. It is an understatement to say that no appreciable harm would be caused by, and substantial benefit would accrue from, decreasing the amount of printing now done by at least one-half. Probably the great majority of the Government Reports and the like now printed are never read at all, and furthermore the printing of much of the material contained in many of the remaining ones serves no useful purpose whatever.

The attention of the Congress should be especially given to the currency question, and that the Standing Committees on the matter in the two Houses charged with the duty, take up the matter of our

currency and see whether it is not possible to secure an agreement in the business world for bettering the system; the Committees should consider the question of the retirement of the greenbacks and the problem of securing in our currency such elasticity as is consistent with safety. Every silver dollar should be made by law redeemable in gold at the option of the holder.

I especially commend to your immediate attention the encouragement of our merchant marine by appropriate legislation.

The growing importance of the Orient as a field for American exports drew from my predecessor, President McKinley, an urgent request for its special consideration by the Congress. In his Message of 1898 he stated:—

“In this relation, as showing the peculiar volume and value of our trade with China and the peculiarly favourable conditions which exist for their expansion in the normal course of trade, I refer to the communication addressed to the Speaker of the House of Representatives by the Secretary of the Treasury on the 14th of last June, with its accompanying letter of the Secretary of State, recommending an appropriation for a Commission to study the industrial and commercial conditions in the Chinese Empire and to report as to the opportunities for and the obstacles to the enlargement of markets in China for the raw products and manufactures of the United States. Action was not taken thereon during the last Session. I cordially urge that the recommendation receive at your hands the consideration which its importance and timeliness merit.”

In his Annual Message of 1899 he again called attention to this recommendation, quoting it, and stated further:—

“I now renew this recommendation, as the importance of the subject has steadily grown since it was first submitted to you, and no time should be lost in studying for ourselves the resources of this great field for American trade and enterprise.”

The importance of securing proper information and data with a view to the enlargement of our trade with Asia is undiminished. Our Consular Representatives in China have strongly urged a place for permanent display of American products in some prominent trade centre of that Empire, under Government control and management, as an effective means of advancing our export trade therein. I call the attention of the Congress to the desirability of carrying out these suggestions.

In dealing with the questions of immigration and naturalization it is indispensable to keep certain facts ever before the minds of those who share in enacting the laws. First and foremost, let us remember that the question of being a good American has nothing whatever to do with a man's birthplace any more than it has to do with his creed. In every generation from the time this Government

was founded men of foreign birth have stood in the very foremost rank of good citizenship, and that not merely in one but in every field of American activity; while to try to draw a distinction between the man whose parents came to this country and the man whose ancestors came to it several generations back is a mere absurdity. Good Americanism is a matter of heart, of conscience, of lofty aspiration, of sound common sense, but not of birthplace or of creed. The medal of honour, the highest prize to be won by those who serve in the army and the navy of the United States decorates men born here, and it also decorates men born in Great Britain and Ireland, in Germany, in Scandinavia, in France, and doubtless in other countries also. In the field of statesmanship, in the field of business, in the field of philanthropic endeavour, it is equally true that among the men of whom we are most proud as Americans no distinction whatever can be drawn between those who themselves or whose parents came over in sailing ship or steamer from across the water and those whose ancestors stepped ashore into the wooded wilderness at Plymouth or at the mouth of the Hudson, the Delaware, or the James nearly three centuries ago. No fellow-citizen of ours is entitled to any peculiar regard because of the way in which he worships his Maker, or because of the birthplace of himself or his parents, nor should he be in any way discriminated against therefor. Each must stand on his worth as a man, and each is entitled to be judged solely thereby.

There is no danger of having too many immigrants of the right kind. It makes no difference from what country they come. If they are sound in body and in mind, and, above all, if they are of good character, so that we can rest assured that their children and grandchildren will be worthy fellow-citizens of our children and grandchildren, then we should welcome them with cordial hospitality.

But the citizenship of this country should not be debased. It is vital that we should keep high the standard of well-being among our wage-workers, and therefore we should not admit masses of men whose standards of living and whose personal customs and habits are such that they tend to lower the level of the American wage-worker; and, above all, we should not admit any man of an unworthy type, any man concerning whom we can say that he will himself be a bad citizen, or that his children and grandchildren will detract from instead of adding to the sum of the good citizenship of the country. Similarly we should take the greatest care about naturalization. Fraudulent naturalization, the naturalization of improper persons, is a curse to our Government; and it is the affair of every honest voter, wherever born, to see that no fraudulent voting is allowed, that no fraud in connection with naturalization is permitted.

In the past year the cases of false, fraudulent, and improper naturalization of aliens coming to the attention of the executive branches of the Government have increased to an alarming degree. Extensive sales of forged certificates of naturalization have been discovered, as well as many cases of naturalization secured by perjury and fraud; and, in addition, instances have accumulated showing that many Courts issue certificates of naturalization carelessly and upon insufficient evidence.

Under the Constitution it is in the power of the Congress "to establish a uniform rule of naturalization," and numerous laws have from time to time been enacted for that purpose, which have been supplemented in a few States by State laws having special application. The Federal Statutes permit naturalization by any Court of record in the United States having common-law jurisdiction and a seal and clerk, except the police court of the District of Columbia, and nearly all these Courts exercise this important function. It results that where so many Courts of such varying grades have jurisdiction, there is lack of uniformity in the rules applied in conferring naturalization. Some Courts are strict and others lax. An alien who may secure naturalization in one place might be denied it in another, and the intent of the constitutional provision is, in fact, defeated. Furthermore, the certificates of naturalization issued by the Courts differ widely in wording and appearance, and when they are brought into use in foreign countries, are frequently subject to suspicion.

There should be a comprehensive revision of the naturalization laws. The Courts having power to naturalize should be definitely named by national authority; the testimony upon which naturalization may be conferred should be definitely prescribed; publication of impending naturalization applications should be required in advance of their hearing in Court; the form and wording of all certificates issued should be uniform throughout the country, and the Courts should be required to make returns to the Secretary of State at stated periods of all naturalizations conferred.

Not only are the laws relating to naturalization now defective, but those relating to citizenship of the United States ought also to be made the subject of scientific inquiry with a view to probable further legislation. By what acts expatriation may be assumed to have been accomplished, how long an American citizen may reside abroad and receive the protection of our passport, whether any degree of protection should be extended to one who has made the declaration of intention to become a citizen of the United States, but has not secured naturalization, are questions of serious import, involving personal rights and often producing friction between this Government and foreign Governments. Yet upon these questions

our laws are silent. I recommend that an examination be made into the subjects of citizenship, expatriation, and protection of Americans abroad, with a view to appropriate legislation.

The power of the Government to protect the integrity of the elections of its own officials is inherent, and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in Federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector; and provisions for the publication not only of the expenditures for nominations and elections of all candidates, but also of all contributions received and expenditures made by political Committees.

No subject is better worthy the attention of the Congress than that portion of the Report of the Attorney-General dealing with the long delays and the great obstruction to justice experienced in the cases of Beavers, Green and Gaynor, and Benson. Were these isolated and special cases, I should not call your attention to them; but the difficulties encountered as regards these men who have been indicted for criminal practices are not exceptional; they are precisely similar in kind to what occurs again and again in the case of criminals who have sufficient means to enable them to take advantage of a system of procedure which has grown up in the Federal Courts, and which amounts in effect to making the law easy of enforcement against the man who has no money, and difficult of enforcement, even to the point of sometimes securing immunity, as regards the man who has money. In criminal cases the writ of the United States should run throughout its borders. The wheels of justice should not be clogged, as they have been clogged in the cases above mentioned, where it has been proved absolutely impossible to bring the accused to the place appointed by the Constitution for his trial. Of recent years there has been grave and increasing complaint of the difficulty of bringing to justice those criminals whose criminality, instead of being against one person in the Republic, is against all persons in the Republic, because it is against the Republic itself. Under any circumstance, and from the very nature of the case, it is often exceedingly difficult to secure proper punishment of those who have been guilty of wrongdoing against the Government. By the time the offender can

be brought into Court the popular wrath against him has generally subsided; and there is in most instances very slight danger indeed of any prejudice existing in the minds of the jury against him. At present the interests of the innocent man are amply safeguarded; but the interests of the Government, that is, the interests of honest administration, that is, the interests of the people, are not recognized as they should be. No subject better warrants the attention of the Congress. Indeed, no subject better warrants the attention of the Bench and the Bar throughout the United States.

Alaska, like all our territorial acquisitions, has proved resourceful beyond the expectations of those who made the purchase. It has become the home of many hardy, industrious, and thrifty American citizens. Towns of a permanent character have been built. The extent of its wealth in minerals, timber, fisheries, and agriculture, while great, is probably not comprehended yet in any just measure by our people. We do know, however, that from a very small beginning its products have grown until they are a steady and material contribution to the wealth of the nation. Owing to the immensity of Alaska and its location in the far north, it is a difficult matter to provide many things essential to its growth and to the happiness and comfort of its people by private enterprise alone. It should therefore receive reasonable aid from the Government. The Government has already done excellent work for Alaska in laying cables and building telegraph lines. This work has been done in the most economical and efficient way by the Signal Corps of the Army.

In some respects it has outgrown its present laws, while in others those laws have been found to be inadequate. In order to obtain information upon which I could rely, I caused an official of the Department of Justice, in whose judgment I have confidence, to visit Alaska during the past summer for the purpose of ascertaining how government is administered there and what legislation is actually needed at present. A statement of the conditions found to exist, together with some recommendations and the reasons therefor, in which I strongly concur, will be found in the Annual Report of the Attorney-General. In some instances I feel that the legislation suggested is so imperatively needed that I am moved briefly to emphasize the Attorney-General's proposals.

Under the Code of Alaska as it now stands many purely administrative powers and duties, including by far the most important, devolve upon the district judges or upon the clerks of the district court acting under the direction of the judges, while the Governor, upon whom these powers and duties should logically fall, has nothing specific to do except to make Annual Reports, issue Thanksgiving Day Proclamations, and appoint Indian policemen

and notaries public. I believe it essential to good government in Alaska, and therefore recommend that the Congress divest the district judges and the clerks of their courts of the administrative or executive functions that they now exercise and cast them upon the Governor. This would not be an innovation; it would simply conform the Government of Alaska to fundamental principles, making the Governorship a real instead of a merely nominal office, and leaving the judges free to give their entire attention to their judicial duties and at the same time removing them from a great deal of the strife that now embarrasses the judicial office in Alaska.

I also recommend that the salaries of the district judges and district attorneys in Alaska be increased so as to make them equal to those received by corresponding officers in the United States after deducting the difference in the cost of living; that the district attorneys should be prohibited from engaging in private practice; that United States' Commissioners be appointed by the Governor of the territory instead of by the district judges, and that a fixed salary be provided for them to take the place of the discredited "fee system," which should be abolished in all offices; that a mounted constabulary be created to police the territory outside the limits of incorporated towns—a vast section now wholly without police protection; and that some provision be made to at least lessen the oppressive delays and costs that now attend the prosecution of appeals from the District Court of Alaska. There should be a division of the existing judicial districts, and an increase in the number of judges.

Alaska should have a Delegate in the Congress. Where possible, the Congress should aid in the construction of needed waggon roads. Additional lighthouses should be provided. In my judgment it is especially important to aid in such manner as seems just and feasible in the construction of a trunk line of railway to connect the Gulf of Alaska with the Yukon River through American territory. This would be most beneficial to the development of the resources of the territory, and to the comfort and welfare of its people.

Salmon hatcheries should be established in many different streams, so as to secure the preservation of this valuable food fish. Salmon fisheries and canneries should be prohibited on certain of the rivers where the mass of those Indians dwell who live almost exclusively on fish.

The Alaskan natives are kindly, intelligent, anxious to learn, and willing to work. Those who have come under the influence of civilization, even for a limited period, have proved their capability of becoming self-supporting, self-respecting citizens, and ask only for the just enforcement of law and intelligent instruction and

supervision. Others, living in more remote regions, primitive, simple hunters, and fisher folk, who know only the life of the woods and the waters, are daily being confronted with twentieth-century civilization with all of its complexities. Their country is being overrun by strangers, the game slaughtered and driven away, the streams depleted of fish, and hitherto unknown and fatal diseases brought to them, all of which combine to produce a state of abject poverty and want which must result in their extinction. Action in their interest is demanded by every consideration of justice and humanity.

The needs of these people are—

The abolition of the present fee system, whereby the native is degraded, imposed upon, and taught the injustice of law.

The establishment of hospitals at central points, so that contagious diseases that are brought to them continually by incoming whites may be localized and not allowed to become epidemic, to spread death and destitution over great areas.

The development of the educational system in the form of practical training in such industries as will insure the Indians self-support under the changed conditions in which they will have to live.

The duties of the office of the Governor should be extended to include the supervision of Indian affairs, with necessary assistants in different districts. He should be provided with the means and the power to protect and advise the native people, to furnish medical treatment in time of epidemics, and to extend material relief in periods of famine and extreme destitution.

The Alaskan natives should be given the right to acquire, hold, and dispose of property upon the same conditions as given other inhabitants; and the privilege of citizenship should be given to such as may be able to meet certain definite requirements.

In Hawaii Congress should give the Governor power to remove all the officials appointed under him. The harbour of Honolulu should be dredged. The Marine Hospital Service should be empowered to study leprosy in the islands. I ask special consideration for the report and recommendations of the Governor of Porto Rico.

In treating of our foreign policy and of the attitude that this great nation should assume in the world at large, it is absolutely necessary to consider the army and navy, and the Congress, through which the thought of the nation finds its expression, should keep ever vividly in mind the fundamental fact that it is impossible to treat our foreign policy, whether this policy takes shape in the effort to secure justice for others or justice for ourselves, save as conditioned upon the attitude we are willing to take toward our army and especially toward our navy. It is not merely unwise, it is

contemptible, for a nation, as for an individual, to use high-sounding language to proclaim its purposes, or to take positions which are ridiculous if unsupported by potential force, and then to refuse to provide this force. If there is no intention of providing and of keeping the force necessary to back up a strong attitude, then it is far better not to assume such an attitude.

The steady aim of this nation, as of all enlightened nations, should be to strive to bring ever nearer the day when there shall prevail throughout the world the peace of justice. There are kinds of peace which are highly undesirable, which are in the long run as destructive as any war. Tyrants and oppressors have many times made a wilderness and called it peace. Many times peoples who were slothful or timid or shortsighted, who had been enervated by ease or by luxury, or misled by false teachings, have shrunk in unmanly fashion from doing duty that was stern and that needed self-sacrifice, and have sought to hide from their own minds their shortcomings, their ignoble motives, by calling them love of peace. The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war. The goal to set before us as a nation, the goal which should be set before all mankind, is the attainment of the peace of justice, of the peace which comes when each nation is not merely safeguarded in its own rights, but scrupulously recognizes and performs its duty toward others. Generally peace tells for righteousness; but if there is conflict between the two, then our fealty is due first to the cause of righteousness. Unrighteous wars are common, and unrighteous peace is rare; but both should be shunned. The right of freedom and the responsibility for the exercise of that right cannot be divorced. One of our great poets has well and finely said that freedom is not a gift that tarries long in the hands of cowards. Neither does it tarry long in the hands of those too slothful, too dishonest, or too unintelligent to exercise it. The eternal vigilance which is the price of liberty must be exercised sometimes to guard against outside foes; although of course far more often to guard against our own selfish or thoughtless shortcomings.

If these self-evident truths are kept before us, and only if they are so kept before us, we shall have a clear idea of what our foreign policy in its larger aspects should be. It is our duty to remember that a nation has no more right to do injustice to another nation, strong or weak, than an individual has to do injustice to another individual; that the same moral law applies in one case as in the other. But we must also remember that it is as much the duty of the nation to guard its own rights and its own interests as it is the duty of the individual so to do. Within the nation the individual

has now delegated this right to the State, that is, to the representative of all the individuals, and it is a maxim of the law that for every wrong there is a remedy. But in international law we have not advanced by any means as far as we have advanced in municipal law. There is as yet no judicial way of enforcing a right in international law. When one nation wrongs another or wrongs many others, there is no tribunal before which the wrongdoer can be brought. Either it is necessary supinely to acquiesce in the wrong, and thus put a premium upon brutality and aggression, or else it is necessary for the aggrieved nation valiantly to stand up for its rights. Until some method is devised by which there shall be a degree of international control over offending nations, it would be a wicked thing for the most civilized Powers, for those with most sense of international obligations and with keenest and most generous appreciation of the difference between right and wrong, to disarm. If the great civilized nations of the present day should completely disarm, the result would mean an immediate recrudescence of barbarism in one form or another. Under any circumstances a sufficient armament would have to be kept up to serve the purposes of international police; and until international cohesion and the sense of international duties and rights are far more advanced than at present, a nation desirous both of securing respect for itself and of doing good to others must have a force adequate for the work which it feels is allotted to it as its part of the general world duty. Therefore it follows that a self-respecting, just, and far-seeing nation should on the one hand endeavour by every means to aid in the development of the various movements which tend to provide substitutes for war, which tend to render nations in their actions toward one another, and, indeed, toward their own peoples, more responsive to the general sentiment of humane and civilized mankind; and on the other hand, that it should keep prepared, while scrupulously avoiding wrongdoing itself, to repel any wrong, and in exceptional cases to take action which in a more advanced stage of international relations would come under the head of the exercise of the international police. A great free people owes it to itself and to all mankind not to sink into helplessness before the powers of evil.

We are in every way endeavouring to help on, with cordial good will, every movement which will tend to bring us into more friendly relations with the rest of mankind. In pursuance of this policy I shall shortly lay before the Senate Treaties of Arbitration with all Powers which are willing to enter into these Treaties with us. It is not possible at this period of the world's development to agree to arbitrate all matters, but there are many matters of possible difference between us and other nations which can be thus arbitrated. Furthermore, at the request of the Inter-Parliamentary Union, an

eminent body composed of practical statesmen from all countries, I have asked the Powers to join with this Government in a second Hague Conference,* at which it is hoped that the work already so happily begun at The Hague may be carried some steps further toward completion. This carries out the desire expressed by the First Hague Conference itself.

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the western hemisphere save such as are for their welfare. All that this country desires is to see the neighbouring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrong-doing, or an impotence which results in a general loosening of the ties of civilized society, may, in America, as elsewhere, ultimately require intervention by some civilized nation, and in the western hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrong-doing or impotence to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which, with the aid of the Platt Amendment, Cuba has shown since our troops left the island, and which so many of the Republics in both Americas are constantly and brilliantly showing, all question of interference by this nation with their affairs would be at an end. Our interests and those of our southern neighbours are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they may rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence cannot be separated from the responsibility of making good use of it.

In asserting the Monroe doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panamá, and in

* See Circular of October 21, 1904, page 904.

endeavouring to circumscribe the theatre of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large. There are, however, cases in which, while our own interests are not greatly involved, strong appeal is made to our sympathies. Ordinarily it is very much wiser and more useful for us to concern ourselves with striving for our own moral and material betterment here at home than to concern ourselves with trying to better the condition of things in other nations. We have plenty of sins of our own to war against, and under ordinary circumstances we can do more for the general uplifting of humanity by striving with heart and soul to put a stop to civic corruption, to brutal lawlessness, and violent race prejudices here at home than by passing resolutions about wrongdoing elsewhere. Nevertheless there are occasional crimes committed on so vast a scale and of such peculiar horror as to make us doubt whether it is not our manifest duty to endeavour at least to show our disapproval of the deed and our sympathy with those who have suffered by it. The cases must be extreme in which such a course is justifiable. There must be no effort made to remove the mote from our brother's eye if we refuse to remove the beam from our own. But in extreme cases action may be justifiable and proper. What form the action shall take must depend upon the circumstances of the case, that is, upon the degree of the atrocity and upon our power to remedy it. The cases in which we could interfere by force of arms as we interfered to put a stop to intolerable conditions in Cuba are necessarily very few. Yet it is not to be expected that a people like ours, which, in spite of certain very obvious shortcomings, nevertheless as a whole shows by its consistent practice its belief in the principles of civil and religious liberty and of orderly freedom, a people among whom even the worst crime, like the crime of lynching, is never more than sporadic, so that individuals, and not classes, are molested in their fundamental rights—it is inevitable that such a nation should desire eagerly to give expression to its horror on an occasion like that of the massacre of the Jews in Kishenev, or when it witnesses such systematic and long-extending cruelty and oppression as the cruelty and oppression of which the Armenians have been the victims, and which have won for them the indignant pity of the civilized world.

Even where it is not possible to secure in other nations the observance of the principles which we accept as axiomatic, it is necessary for us firmly to insist upon the rights of our own citizens without regard to their creed or race; without regard to whether they were born here or born abroad. It has proved very difficult to secure from Russia the right for our Jewish fellow-citizens to receive passports and travel through Russian territory. Such con-

duct is not only unjust and irritating toward us, but it is difficult to see its wisdom from Russia's standpoint. No conceivable good is accomplished by it. If an American Jew or an American Christian misbehaves himself in Russia he can at once be driven out; but the ordinary American Jew, like the ordinary American Christian, would behave just about as he behaves here, that is, behave as any good citizen ought to behave; and where this is the case it is a wrong against which we are entitled to protest to refuse him his passport, without regard to his conduct and character, merely on racial and religious grounds. In Turkey our difficulties arise less from the way in which our citizens are sometimes treated than from the indignation inevitably excited in seeing such fearful misrule as has been witnessed both in Armenia and Macedonia.

The strong arm of the Government in enforcing respect for its just rights in international matters is the navy of the United States. I most earnestly recommend that there be no halt in the work of upbuilding the American navy. There is no more patriotic duty before us as a people than to keep the navy adequate to the needs of this country's position. We have undertaken to build the Isthmian Canal. We have undertaken to secure for ourselves our just share in the trade of the Orient. We have undertaken to protect our citizens from improper treatment in foreign lands. We continue steadily to insist on the application of the Monroe doctrine to the western hemisphere. Unless our attitude in these and all similar matters is to be a mere boastful sham we cannot afford to abandon our naval programme. Our voice is now potent for peace, and is so potent because we are not afraid of war. But our protestations upon behalf of peace would neither receive nor deserve the slightest attention if we were impotent to make them good.

The war which now unfortunately rages in the Far East has emphasized in striking fashion the new possibilities of naval warfare. The lessons taught are both strategic and tactical, and are political as well as military. The experiences of the war have shown in conclusive fashion that, while sea-going and sea-keeping torpedo-destroyers are indispensable, and fast lightly-armed and armoured cruisers very useful, yet that the main reliance, the main stand-by, in any navy worthy the name must be the great battle-ships, heavily armoured and heavily gunned. Not a Russian or Japanese battle-ship has been sunk by a torpedo-boat or by gun-fire, while among the less-protected ships cruiser after cruiser has been destroyed whenever the hostile squadrons have got within range of one another's weapons. There will always be a large field of usefulness for cruisers, especially of the more formidable type. We need to increase the number of torpedo-boat destroyers, paying less

heed to their having a knot or two extra speed than to their capacity to keep the seas for weeks and, if necessary, for months at a time. It is wise to build submarine torpedo-boats, as under certain circumstances they might be very useful. But most of all we need to continue building our fleet of battle-ships, or ships so powerfully armed that they can inflict the maximum of damage upon our opponents, and so well protected that they can suffer a severe hammering in return without fatal impairment of their ability to fight and manœuvre. Of course, ample means must be provided for enabling the personnel of the navy to be brought to the highest point of efficiency. Our great fighting ships and torpedo-boats must be ceaselessly trained and manœuvred in squadrons. The officers and men can only learn their trade thoroughly by ceaseless practice on the high seas. In the event of war it would be far better to have no ships at all than to have ships of a poor and ineffective type, or ships which, however good, were yet manned by untrained and unskilful crews. The best officers and men in a poor ship could do nothing against fairly good opponents; and, on the other hand, a modern war-ship is useless unless the officers and men aboard her have become adepts in their duties. The marksmanship in our navy has improved in an extraordinary degree during the last three years, and on the whole the types of our battle-ships are improving; but much remains to be done. Sooner or later we shall have to provide for some method by which there will be promotions for merit as well as for seniority, or else retirement of all those who, after a certain age, have not advanced beyond a certain grade, while no effort must be spared to make the service attractive to the enlisted men in order that they may be kept as long as possible in it. Reservation public schools should be provided wherever there are navy-yards.

Within the last three years the United States has set an example in disarmament where disarmament was proper. By law our army is fixed at a maximum of 100,000 and a minimum of 60,000 men. When there was insurrection in the Philippines we kept the army at the maximum. Peace came in the Philippines, and now our army has been reduced to the minimum at which it is possible to keep it with due regard to its efficiency. The guns now mounted require 28,000 men, if the coast fortifications are to be adequately manned. Relatively to the nation, it is not now so large as the police force of New York or Chicago relatively to the population of either city. We need more officers; there are not enough to perform the regular army work. It is very important that the officers of the army should be accustomed to handle their men in masses, as it is also important that the National Guard of the several States should be accustomed to actual field manœuvring, especially in connection

with the regulars. For this reason we are to be congratulated upon the success of the field manœuvres at Manassas last fall—manœuvres in which a larger number of regulars and National Guard took part than was ever before assembled together in time of peace. No other civilized nation has, relatively to its population, such a diminutive army as ours; and while the army is so small we are not to be excused if we fail to keep it at a very high grade of proficiency. It must be incessantly practised; the standard for the enlisted men should be kept very high, while at the same time the service should be made as attractive as possible; and the standard for the officers should be kept even higher—which, as regards the upper ranks, can best be done by introducing some system of selection and rejection into the promotions. We should be able, in the event of some sudden emergency, to put into the field one first-class army corps, which should be, as a whole, at least the equal of any body of troops of like number belonging to any other nation.

Great progress has been made in protecting our coasts by adequate fortifications with sufficient guns. We should, however, pay much more heed than at present to the development of an extensive system of floating mines for use in all our more important harbours. These mines have been proved to be a most formidable safeguard against hostile fleets.

I earnestly call the attention of the Congress to the need of amending the existing law relating to the award of Congressional medals of honour in the navy so as to provide that they may be awarded to commissioned officers and warrant officers as well as to enlisted men. These justly prized medals are given in the army alike to the officers and the enlisted men, and it is most unjust that the commissioned officers and warrant officers of the navy should not in this respect have the same rights as their brethren in the army and as the enlisted men of the navy.

In the Philippine Islands there has been during the past year a continuation of the steady progress which has obtained ever since our troops definitely got the upper hand of the insurgents. The Philippine people, or to speak more accurately, the many tribes, and even races, sundered from one another more or less sharply, who go to make up the people of the Philippine Islands, contain many elements of good, and some elements which we have a right to hope stand for progress. At present they are utterly incapable of existing in independence at all or of building up a civilization of their own. I firmly believe that we can help them to rise higher and higher in the scale of civilization and of capacity for self-government, and I most earnestly hope that in the end they will be able to stand, if not entirely alone, yet in some such

relation to the United States as Cuba now stands. This end is not yet in sight, and it may be indefinitely postponed if our people are foolish enough to turn the attention of the Filipinos away from the problems of achieving moral and material prosperity, of working for a stable, orderly, and just government, and toward foolish and dangerous intrigues for a complete independence for which they are as yet totally unfit.

On the other hand our people must keep steadily before their minds the fact that the justification for our stay in the Philippines must ultimately rest chiefly upon the good we are able to do in the islands. I do not overlook the fact that in the development of our interests in the Pacific Ocean and along its coasts, the Philippines have played and will play an important part, and that our interests have been served in more than one way by the possession of the islands. But our chief reason for continuing to hold them must be that we ought in good faith to try to do our share of the world's work, and this particular piece of work has been imposed upon us by the results of the war with Spain. The problem presented to us in the Philippine Islands is akin to, but not exactly like, the problems presented to the other great civilized Powers which have possessions in the Orient. There are points of resemblance in our work to the work which is being done by the British in India and Egypt, by the French in Algiers, by the Dutch in Java, by the Russians in Turkestan, by the Japanese in Formosa; but more distinctly than any of these Powers we are endeavouring to develop the natives themselves so that they shall take an ever-increasing share in their own government, and as far as is prudent we are already admitting their representatives to a governmental equality with our own. There are Commissioners, Judges, and Governors in the islands who are Filipinos, and who have exactly the same share in the government of the islands as have their colleagues who are Americans, while in the lower ranks, of course, the great majority of the public servants are Filipinos. Within two years we shall be trying the experiment of an elective Lower House in the Philippine Legislature. It may be that the Filipinos will misuse this legislature, and they certainly will misuse it if they are misled by foolish persons here at home into starting an agitation for their own independence or into any factious or improper action. In such case they will do themselves no good, and will stop for the time being all further effort to advance them and give them a greater share in their own government. But if they act with wisdom and self-restraint, if they show that they are capable of electing a Legislature which in its turn is capable of taking a sane and efficient part in the actual work of government, they can rest assured that a full and increasing measure of recognition will be given them. Above all they should

remember that their prime needs are moral and industrial, not political. It is a good thing to try the experiment of giving them a Legislature; but it is a far better thing to give them schools, good roads, railroads which will enable them to get their products to market, honest courts, an honest and efficient constabulary, and all that tends to produce order, peace, fair dealing as between man and man, and habits of intelligent industry and thrift. If they are safeguarded against oppression, and if their real wants, material and spiritual, are studied intelligently and in a spirit of friendly sympathy, much more good will be done them than by any effort to give them political power, though this effort may in its own proper time and place be proper enough.

Meanwhile our own people should remember that there is need for the highest standard of conduct among the Americans sent to the Philippine Islands, not only among the public servants but among the private individuals who go to them. It is because I feel this so deeply that in the administration of these islands I have positively refused to permit any discrimination whatsoever for political reasons, and have insisted that in choosing the public servants consideration should be paid solely to the worth of the men chosen and to the needs of the islands. There is no higher body of men in our public service than we have in the Philippine Islands under Governor Wright and his associates. So far as possible these men should be given a free hand, and their suggestions should receive the hearty backing both of the Executive and of the Congress. There is need of a vigilant and disinterested support of our public servants in the Philippines by good citizens here in the United States. Unfortunately hitherto those of our people here at home who have specially claimed to be the champions of the Filipinos have in reality been their worst enemies. This will continue to be the case as long as they strive to make the Filipinos independent, and stop all industrial development of the islands by crying out against the laws which would bring it on the ground that capitalists must not "exploit" the islands. Such proceedings are not only unwise, but are most harmful to the Filipinos, who do not need independence at all, but who do need good laws, good public servants, and the industrial development that can only come if the investment of American and foreign capital in the islands is favoured in all legitimate ways.

Every measure taken concerning the islands should be taken primarily with a view to their advantage. We should certainly give them lower tariff rates on their exports to the United States; if this is not done it will be a wrong to extend our shipping laws to them. I earnestly hope for the immediate enactment into law of the legislation now pending to encourage American capital to seek invest-

ment in the islands in railroads, in factories, in plantations, and in lumbering and mining.

The White House, December 6, 1904.

THEODORE ROOSEVELT.

*CONSTITUTION of the Republic of Panamá.—Panamá,
February 15, 1904.**

(Translation.)

WE, the Representatives of the people of Panamá, assembled at the National Convention with the object of constituting the nation, maintaining order, establishing justice, promoting the general welfare, and assuring the benefits of liberty for ourselves, our posterity, and for all the nationalities of the world residing on Panamá soil, invoking the protection of God, order, decree, and establish for the Panamá nation the following Constitution:—

CHAPTER I.—*Of the Nation and Territory.*

ART. 1. The people of the Isthmus of Panamá constitute themselves in an independent and sovereign nation ruled over by a Republican and Democratic Government, and which will be denominated "Republic of Panamá."

2. The sovereignty is invested in the nation, exercised by means of its Representatives in the manner established and expressed by the terms of this Constitution.

3. The territory of the Republic is composed of all that territory with which the State of Panamá was created by an Additional Act of the Granadine Constitution of 1853 on the 27th February, 1855, transformed in 1886 into the Department of Panamá, with its Islands; and the continental and insular territory awarded to the Republic of Colombia in the decision given on the 11th September, 1900, by the President of the French Republic.† The territory of the Republic will be subject to the jurisdictional limitations stipulated, or which may be stipulated in the public Treaties celebrated with the United States of North America for the construction, maintenance or sanitation of whatsoever means of interoceanic communication.

The boundaries with the Republic of Colombia will be determined by public Treaties.

* Published in the "Gaceta Oficial," February 16, 1904.

† Vol. XCII, page 1038.

4. The territory of the Republic will be divided into the Provinces of Bocas del Toro, Coclé, Colón, Chiriqui, Los Santos, Panamá, and Veraguas. The provinces will be divided into municipalities. The National Assembly can augment or diminish the number of the former and the latter, or vary their limits.

5. The territory, with the public property forming part of the said territory, belongs to the nation.

CHAPTER II.—*Of Nationality and Citizenship.*

6. Panamanians are:—

(1.) All those who have been or may be born in the territory of Panamá irrespective of the nationality of their parents;

(2.) The children of Panamá parentage born in another country in the event of their coming to reside in the Republic and expressing their desire to become Panamanians;

(3.) Foreigners, of more than ten years' residence in the territory of the Republic, who, professing some science, art, or industry, or possessing some landed property or capital in circulation, declare before the Panamá Municipality in which they reside their desire to become naturalized Panamanians. A six years' residence is sufficient if they are married and have a family in Panamá, and three years if married to a Panamanian;

(4.) Colombians who, having taken part in the independence of the Republic of Panamá, have declared their intention of becoming citizens, or those who make such declaration before the Municipal Council of the district in which they reside.

7. Panamá citizenship is lost:—

(1.) By obtaining naturalization papers in a foreign country and establishing residence in that country;

(2.) By accepting employment or honours of another Government without permission from the President of the Republic;

(3.) Being a born Panamanian, and not accepting the movement for the independence of the nation;

(4.) By having become compromised in the service of an unfriendly nation.

Nationality can only be regained by an Act of the National Assembly.

8. All Panamanians are obliged to serve the nation in accordance with the laws, and Panamanians, as well as foreigners residing in the territory of the Republic, must submit to the Constitution and the laws, and respect and obey the authorities.

9. Foreigners will enjoy in Panamá the same rights conceded to Panamanians by the laws of the nation to which the foreigner belongs, except that which may be stipulated in public Treaties, and in

the absence of public Treaties, that which may be determined by the laws.

10. Naturalized or resident foreigners will not be obliged to take up arms against their mother country.

11. All Panamanians over 21 years of age are citizens of the Republic.

12. Citizenship carries with it the right to use the polls at the popular elections for public offices, and to exercise official commissions with authority and jurisdiction.

13. Citizenship, once acquired, is only lost:—

(1.) By penalty according to law, rehabilitation being obtainable from the National Assembly;

(2.) By losing the title of Panamanian according to the National Constitution.

14. Citizenship is suspended:—

(1.) For a criminal matter from the time the Judge issues the decree of imprisonment;

(2.) Through not being legally free to administer one's own property;

(3.) Through habitual intoxication.

CHAPTER III.—*Of Individual Rights.*

15. The authorities of the Republic are instituted for the purpose of protecting all persons, resident or transient, in their lives, honour, and property, and to insure the reciprocal respect of the natural, constitutional, and legal rights, and the prevention and punishment of crime.

16. All Panamanians and foreigners are equal before the law. There will be no concessions or personal privileges.

17. Every person has the right to present respectful petitions to the authorities, whether a petition of general or individual interest; and a prompt resolution in the premises is due to all petitioners.

18. The legitimate and public corporations have the right to be recognized as lawful persons, and to execute, by virtue of such recognition, civil acts, and to enjoy the privileges guaranteed by this chapter, with the general limitations established by the laws for reasons of common utility.

19. There will be no slaves in Panamá. Any one being a slave becomes free the moment he or she sets foot in the territory of the Republic.

20. All the inhabitants of the Republic have the right to assemble peacefully and without arms, and to unite together for the promotion of all the lawful ends of life.

21. Every person can travel within the limits of the Republic

and change residence without the necessity of a permit, passport, or other similar requisite, excepting what the laws may dictate relative to judicial embargo, and in connection with immigration.

22. No one can be judged or sentenced except by competent Judges or Tribunals, and by them in accordance with the laws governing the crime committed and in the manner established by those laws. Functionaries exercising authority or jurisdiction may however punish, without form of trial, any one injuring or showing disrespect to them while in the discharge of their duty; and military chiefs and captains of vessels, in order to suppress insubordination, maintain order, and repress crimes committed aboard or at sea, can inflict summary penalties.

23. No one can be molested in his person or family, conducted to prison or arrested, detained, or his residence searched, except by virtue of a written order by the competent authority, with legal formality, and with the cause thereof duly defined by law.

In no case can there be detention, imprisonment, or arrest for debts or purely civil obligations, with the exception of judicial embargo.

The delinquent taken *in flagrante delicto* can be apprehended and taken before the Judge by any person whatsoever.

24. All persons detained or made prisoners not in accordance with legal formalities, or not in accordance with the stipulations of this Constitution or of the laws, will be placed at liberty on personal petition or on the petition of any other person. The law will determine the form of this summary proceeding.

25. No one is obliged to give evidence, in a criminal proceeding against himself or herself, husband against wife, wife against husband, or against any member of the family within the fourth degree of consanguinity or the second of affinity.

26. The profession of all religions is free as also the exercise of all creeds without further limitation than the exaction of respect for Christian morals and public order. But it is recognized that the Catholic religion is the religion of the majority of the inhabitants of the Republic, and the law will aid to found a seminary in the capital, and for missions to the Indian tribes.

27. Every person can freely express his thought by word of mouth or writing, by means of the press or by any other means, without being subjected to previous censorship, so long as the same refers to official acts of public functionaries. But legal responsibility will attach when, by any of these means, the honour of persons is brought into question.

28. Correspondence and other private documents are inviolable, and neither the former nor the latter can be detained or examined except by order of the competent judicial authority and under the formalities prescribed by the laws. In all cases secrecy will be observed

with regard to matters foreign to the purpose for which the documents were detained or examined.

29. Any person can practise whatsoever profession or honest occupation without the necessity of being a member of an association of masters or doctors. The authorities will control the industries and professions in so far as the inspection relates to morality, security, and public health. It is necessary to possess certificates of capacity in order to practice medicine and allied professions.

30. Obligations of a civil character growing out of contracts or other acts, and the facts or omissions which they produce, cannot be altered or annulled by the Executive Power or by the Legislative Body.

31. The laws will determine everything in relation to the civil status of persons and their consequent rights and duties.

32. The laws cannot have an *ex post facto* effect. In a criminal matter where there are two laws applicable to the crime, the one most favourable to the accused shall be applied, even though it may have been enacted subsequent to the commission of the crime.

33. Rights acquired in conformity with the laws cannot be violated or ignored by subsequent laws. When, from the application of a law enacted for the public good, there comes into conflict the rights of individuals with the necessity recognized by the said law the private interest will give way to the public interest. But the appropriations which it may be necessary to make require previous and full indemnification.

34. The destination of testamentary and other donations, made in conformity with the laws, for religious purposes or public instruction, cannot be varied or modified by the legislator.

35. Individuals are only responsible before the authorities for infraction of the Constitution or the laws. Public officials are also for the same cause, for exceeding the limits of authority, or for negligence in the discharge of their duty.

36. In the case of a clear infraction of a Constitutional precept detrimental to any person, the superior mandate does not exempt from responsibility the person executing it.

Privates in the ranks of the army in active service are exempt from this regulation. In respect to them, the responsibility will fall only upon the superior officer giving the order.

37. Games of chance will not be permitted in the territory of the Republic. The law will enumerate them.

38. There will be no official monopolies.

39. There will be no real estate which cannot be freely transferred; neither will there be irredeemable obligations.

40. Every author or inventor will enjoy the exclusive product of

his work or invention for such time as the law determines, and in the form that it establishes.

41. No one is obliged to pay a contribution or duty not legally established and the collection of which is not made in the form prescribed by the laws.

42. No one can be deprived of his property, either in part or in full, except by virtue of a penalty or a general contribution in conformity with the laws.

For grave reasons of public utility, defined by the Legislature, property may be forcibly expropriated under judicial writ, but the payment of the declared value will be made before dispossessing the owner of the same.

43. Edifices dedicated to every kind of worship, seminaries, and dwellings of Bishops and priests cannot be taxed, and can only be expropriated in cases of urgent public necessity.

44. In no case can the penalty of the confiscation of property be established by the legislator.

45. The prisons are places of security and expiation, not of cruel punishment; therefore all severity not necessary for the custody and correction of prisoners is prohibited.

46. The laws will determine the responsibility to which the public functionaries, who attempt to infringe the rights guaranteed in this chapter, can be subjected.

47. The individual rights recognized and guaranteed in Articles 21, 23, 24, 27, 28, and 42 can be temporarily suspended throughout the whole, or a part of the Republic, when the safety of the State, in the case of foreign war or internal disturbance menacing the public peace, demands it. This suspension will be decreed by the National Assembly if it is in Session; but in the event of it not being in Session and the danger is imminent, the President of the Republic can dictate the suspension by means of a Decree bearing the signature of all his Secretaries. In this case the President will, in the same Decree of Suspension, convoke the National Assembly for the purpose of furnishing the Assembly with his reasons for dictating the suspension.

48. It is forbidden to the National Assembly to dictate laws which abridge, limit, or interfere with any of the individual rights covered by the present chapter without first reforming the Constitution, unless the laws dictated are authorized by the Constitution.

CHAPTER IV.—*Of Suffrage.*

49. All citizens over 21 years of age have the right to vote except those under judicial interdiction and those judicially disqualified by reason of crime.

The law can order certain elections to be held in two grades, and in this case will define what are the conditions of the electors in the second degree.

50. The laws will determine the responsibility attaching to the public functionaries who, by their acts, attempt to violate the rights recognized in this chapter.

CHAPTER V.—*Of Public Powers.*

51. The Government of the Republic shall be divided into three powers, viz., legislative, executive, and judicial.

52. Each public power is limited and exercises separately its respective attributes.

CHAPTER VI.—*Of the Legislative Power.*

53. The legislative power shall be exercised by a body to be called the National Assembly, composed of as many Deputies as correspond to the electoral circles, at the ratio of one for each 10,000 inhabitants, and one more for every additional 5,000, elected for a period of four years.

There will be substitutes who will replace the principals in case of permanent or temporary absence.

54. The National Assembly will meet, without being specially convoked, at the capital of the Republic every two years on the 1st day of September.

55. The duration of the ordinary Sessions of the National Assembly will be ninety days, which, in case of necessity, can be prolonged for thirty days more. The President of the Republic can convoke the Assembly to extraordinary Sessions for such time as he indicates, and for the exclusive purpose of deliberating on such matters as he may submit to their consideration.

56. To be eligible as a Deputy to the National Assembly, it is necessary to be a citizen in the exercise of all civil rights, and to have reached 25 years of age.

57. The Members of the National Assembly are not responsible for the opinions and votes to which they give expression, whether by word of mouth or in writing, in the discharge of their duty; and at no time, nor by any authority whatsoever, can they be held responsible for the same.

58. The President of the Republic, the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney-General of the nation, cannot be elected Deputies to the Assembly until six months after they have ceased to discharge the duties of their respective offices. The same disqualification shall extend to the citizens who have exercised the Executive Power.

59. Nor is any other employé eligible as a Deputy to the Assembly with jurisdiction or mandate for an electoral circuit in which he shall have exercised authority within ninety days of the elections.

60. Twenty days before the commencement of the Sessions, during the Sessions, and twenty days after, no Member of the National Assembly can be called to a criminal trial without permission of the Assembly.

In the case of flagrant crime the offender can be detained, and will be immediately placed at the disposition of said Assembly. Nor can any Member be summoned in a civil proceeding during the same period.

61. No increase of salary or travelling expenses shall be effective until the Members of the Assembly who have voted it have ceased to exercise their functions as Deputies.

62. The Deputies to the Assembly cannot personally, nor through an intermediary person, make any contract whatsoever with the Administration. Neither can they accept a power of attorney from any one to execute business in any way connected with the Government.

63. In the event of the absence of a Member of the National Assembly, be it temporary or permanent, the legal substitute shall replace him.

When any Deputy retires from the Sessions, or is replaced by a substitute, the former will receive travelling expenses for the journey to the capital, and the latter the expenses of the journey home.

64. The President of the Republic cannot confer on the Deputies to the Assembly other offices than those of Secretary of State, Governors of Provinces, or Diplomatic or Consular Agent.

A Deputy accepting any of these posts will lose his position in the Assembly.

65. The legislative functions of the National Assembly are—

(1.) To issue the National Code of Laws and the laws necessary for the regulation of the Administration in all its branches, reform them, or abolish them;

(2.) To decide upon the flag and coat of arms of the Republic;

(3.) To create or suppress official posts; to define the special functions, duties, and attributes corresponding to them; to fix the duration of the period of office, and the salaries attaching thereto;

(4.) To approve or disapprove the public Treaties negotiated by the Executive Power, without which formality they cannot be ratified or exchanged;

(5.) To approve or disapprove the contracts or agreements which

the President of the Republic may enter into with private individuals, companies, or political bodies, in which the nation has an interest, provided the said contracts or agreements have not already been authorized, or if the formalities prescribed by the National Assembly in connection therewith have not been complied with, or if any of the stipulations contained in them should not conform to the respective law of authorizations;

(6.) To concede authority to the Executive Power to conclude contracts, negotiate loans, transfer national property, and discharge other functions within the limits of the Constitution;

(7.) To declare war, and empower the Executive Power to make peace;

(8.) To appoint the place where the high public officials must reside;

(9.) To divide the territory of the Republic into electoral circuits;

(10.) To limit or regulate the appropriation or adjudication of uncultivated land;

(11.) To fix the army footing in time of peace;

(12.) To organize the national police force;

(13.) To promote and encourage public education, the sciences and the arts;

(14.) To decree what monuments should be erected by the State, and other public works to be undertaken with national funds;

(15.) To encourage useful or beneficial enterprises worthy of stimulation and aid, and to support the same;

(16.) To frame the laws for taking the census of the population and for compiling national statistics;

(17.) To concede amnesties; but in the event of civil responsibility in respect to individuals, the Republic will be obliged to make payment of the indemnities;

(18.) To organize the Public Credit;

(19.) To recognize the National Debt and regulate its service;

(20.) To decree the expenses of the Administration in accordance with the Budget presented by the Executive Power, with any alterations which may be considered necessary.

If for any reason whatsoever the Budget is not authorized by the National Assembly, the previous Estimates will remain in force;

(21.) To establish taxes, contributions, and rents to meet the public service;

(22.) To decree the transfer of national property, or its application to public uses;

(23.) To determine the law, weight, value, form, type, and denominations of the national currency, and arrange the system of weights and measures;

(24.) To augment or diminish the number of the provinces and municipal districts, and vary their limits;

(25.) To dictate the regulations for its internal régime.

66. The judicial functions of the National Assembly are—

(1.) To take cognizance of the denunciations and complaints which may be presented against the President of the Republic or the person charged with the Executive Power in those cases wherein they are responsible, the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney General of the nation;

(2.) To arraign the President of the Republic or the person charged with the Executive Power in accordance with this Constitution; the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney-General of the nation, when they are accused, whilst in the performance of their duties, of performing acts against the safety of the State, the freedom of action of the public functionaries, or in violation of the Constitution and national laws.

The law will indicate the procedure to be followed and the penalties to be applied.

67. The administrative functions of the National Assembly are—

(1.) To examine the credentials of its own members and decide whether or not they are in the form prescribed by law;

(2.) To rehabilitate those who have lost their citizenship;

(3.) To accept or refuse the resignation of the President of the Republic, or the Vice-Presidents ("Designados");

(4.) To elect at the ordinary Sessions, and for the term of two years, three Vice-Presidents ("Designados"), who, in default of the President of the Republic, and in their respective order, will assume charge of the Executive Power;

If for any reason the substitutes should not have been elected by the National Assembly, those previously elected will retain their positions in their respective order.

(5.) To name the judges to examine the public accounts;

(6.) To name the Fiscal Inspector of all the Treasury offices of the Republic;

(7.) To name Commissions for the purpose of fixing the limits of the State;

(8.) To request from the Secretaries of State the verbal or written reports which may be required;

(9.) To examine in each ordinary meeting of the Assembly, and finally decide upon, the general account of the Treasury presented by the Executive Power;

(10.) To grant leave of absence to the President of the Republic or the person charged with the Executive Power;

(11.) To permit or refuse the presence of foreign war-ships in the ports of the Republic for a longer period than two months.

68. It is prohibited for the National Assembly to—

(1.) Decree gratifications, indemnities, pensions, and any other appropriation not destined to satisfy credits or rights recognized in accordance with the pre-existing law, except those set forth in Article 65;

(2.) Decree acts of proscription or persecution against persons or corporations;

(3.) Give votes of thanks or censure relative to official acts; and

(4.) Incite agitation against public functionaries.

CHAPTER VII.—*Of the Executive Power.*

69. The Executive Power is to be exercised by a Magistrate, who shall be denominated President of the Republic, who will have for his Cabinet the number of Secretaries determined by law.

The President will enter upon the discharge of his constitutional functions the first day of October following his election, and his term of office will be four years.

The same law will also determine the titles and precedence of the Members of the Government.

70. To be President of the Republic it is requisite—

(1.) To be a Panamanian by birth;

(2.) To have reached 35 years of age.

71. The President elect of the Republic, or the citizen replacing him, will take possession of his office before the President of the Assembly, and will take the oath of office in these terms:—

“I swear before God and my country to faithfully comply with the Constitution and the laws of Panamá.”

72. If for any reason the President of the Republic should be unable to take possession of office before the President of the National Assembly, he shall do so before the President of the Supreme Court of Justice, and, in default thereof, before two witnesses.

73. The attributes of the President of the Republic are—

(1.) To nominate and remove the Secretaries of State, Governors of provinces, and the persons who fill any Government position whose appointment does not depend on other functionaries or corporations;

(2.) To watch over the preservation of public order;

(3.) To direct diplomatic and commercial relations with other nations; freely appoint Agents and receive them; and conclude

public Treaties and Agreements, which will be submitted to the National Assembly for approval;

(4.) To take care that the National Assembly meets on the day specified by the Constitution, or by the Resolution or Decree in which the Assembly is convoked to special Sessions, giving due notice in order that the Deputies may receive the allowances in connection with the journey allowed by law;

(5.) To present, the first day of the opening of each ordinary Legislature, a message relative to matters connected with the Administration;

(6.) To give to the Assembly the special reports that may be asked for;

(7.) To sanction and promulgate the laws, obey them, and see that they are complied with;

(8.) To send to the National Assembly, within the first ten days of the ordinary Sessions, the estimates of revenue and expenditure for the following two years, and the general account of the Treasury;

(9.) To supervise the collection and administration of the revenue of the Republic and decree its use in accordance with the laws;

(10.) To conclude administrative contracts for the public service and the execution of public works in accordance with the fiscal laws, an account of which is to be rendered to the Assembly at the ordinary Sessions;

(11.) To grant patents of privileges in conformity with the laws;

(12.) To issue naturalization papers in conformity with the laws;

(13.) To grant to the citizens, who may solicit it, permission to accept employment or distinctions from foreign Governments;

(14.) To direct, regulate, and supervise the national public instruction;

(15.) To see that the administration of the public establishments of the nation is properly conducted;

(16.) To sanction, promulgate, and exact compliance with all sanitary measures by the National Board of Health;

(17.) To name the Magistrates of the Supreme Court of Justice, the Attorney-General of the nation, the fiscal agents, and municipal agents in accordance with the law;

(18.) To grant pardons, commute and reduce penalties in conformity with the law regulating the exercise of this faculty;

(19.) To confer military grades in accordance with the constitutional and legal formalities;

(20.) To exercise control over the standing army as supreme chief of the nation.

74. No act of the President of the Republic, except the appointment or removal of the Secretaries of State, will be valid unless approved by the respective Secretary of State, who thereby becomes responsible.

75. The President of the Republic, or the person in charge of the Executive Power, can obtain leave of absence from the National Assembly, and in the event of the Assembly not being in Session, from the Supreme Court of Justice.

In case of illness a previous notification to either of those bodies will suffice.

76. The President can visit any part of the Republic for such time as may be considered necessary in the exercise of his functions and for the public benefit.

77. The emoluments that the law assigns to the President of the Republic cannot be altered during the period for which they have been fixed.

78. The President of the Republic, or his substitute, is only responsible in the following cases:—

(1.) For exceeding his constitutional functions;

(2.) For acts of violence or compulsion in the elections, or acts impeding the constitutional reunion of the National Assembly, or obstructing that body and other corporations or public authorities established by the Constitution in the exercise of their functions;

(3.) For high treason.

In the first two cases the penalty cannot be other than that of dismissal, and if the President has ceased to discharge his duties the penalty will be disqualification for holding public office.

In the last case the provisions of common law ("derecho comun") will be applied.

79. In the temporary or permanent absence of the President of the Republic the administration of the Executive Power will devolve upon one of the substitutes in the order in which they have been named.

Only the following causes can be construed as permanent absence of the President, viz., his death, accepted resignation, or dismissal.

The Acting President will have the same powers and will exercise the same attributes as the President of the Republic, whose duties he assumes.

80. To be a Vice-President ("Designado") the same qualifications are necessary as for President of the Republic.

81. When, for any cause, the duties of the President cannot be undertaken by the Vice-Presidents a Secretary of State, chosen by a majority of votes at a Cabinet Council, will be designated in his stead.

82. The citizen who has been elected President of the Republic

cannot be re-elected for the following term if he has filled the office of President within the eighteen months immediately preceding the new election.

83. The citizen who has been elected President and has exercised the office within the six months preceding the day of the election of the new President, as well as any relative of his within the fourth degree of consanguinity or second of affinity, cannot be elected to this office.

CHAPTER VIII.—*Of State Departments.*

84. The President of the Republic will regulate the distribution of the work in each Department of State according to its character.

85. The qualifications for Secretary of State are the same as required for a Deputy to the National Assembly.

86. The only channel of communication between the Executive Power and the National Assembly is through the Secretaries of State; they can propose Projects of Law and take part in the debates.

87. Each Secretary of State will present to the National Assembly, within the first ten days of each Legislature, a Report or Memorandum relative to the state of affairs belonging to his Department, and regarding the reforms which he deems it desirable to introduce.

88. The National Assembly may request the assistance of the Secretaries of State when it sees fit to do so.

89. A Cabinet Council will be composed of all the Secretaries of State; the President of the Republic will be the President of the Council.

CHAPTER IX.—*Of the Judicial Power.*

90. The judicial power will be exercised in the Republic by a Supreme Court of Justice, by the lower Courts and ordinary Justices established by law, and by other Tribunals or special Commissions which it may be necessary to create in conformity with public Treaties.

The Assembly exercises definite judicial functions.

91. The Supreme Court of Justice is to be composed of five Magistrates appointed for a term of four years. There will be five substitutes for the same period, who will fill, in their order, any temporary vacancies which may occur.

In the event of the permanent absence of a Magistrate, a new appointment will be made.

A Magistrate who accepts Government employment will resign his position.

92. In the Tribunals and lower Courts established by law the

Magistrates and Judges will be appointed by the Court, Tribunal, or Judge the next above in rank.

93. To be a Magistrate of the Supreme Court of Justice it is necessary to be a Panamanian by birth or by adoption, with more than fifteen years' residence in the Republic; to have reached the age of 30; to be in full enjoyment of civil and political rights; to have a diploma of lawyer, to have practised with good standing for at least ten years the profession of the law, or to have discharged for the same period judicial functions, or of the public Ministry; and not having been condemned to suffer any penalty for petty offences.

The same qualifications are required for the office of Magistrate of the Tribunals of Justice established by law.

94. The Magistrates and Judges cannot be suspended in the discharge of their duties, except in the cases and by the formalities which the laws determine. Neither can they be deposed except by virtue of a judicial sentence.

95. The law will define what cases must be tried by jury.

96. The Republic will administer justice gratuitously throughout all the territory.

97. The law will indicate the salaries of the employés of the judiciary, which can be neither increased nor diminished during the period for which they have been appointed.

CHAPTER X.—*Of the Laws.*

98. All laws shall originate in the National Assembly on a motion of one of its Members or one of the Cabinet officers.

Laws relating to civil affairs and judicial proceedings are excepted from this Article. These laws cannot be modified except on the proposition of the Special Commissions of the Assembly, or by the Magistrates of the Supreme Court of Justice.

99. No legislative act will become law unless it has been approved by the National Assembly in three debates, on distinct days, by an absolute majority of votes, and unless it has obtained the sanction of the Executive Power.

100. The second debate on a law cannot be closed, nor can the law be voted on in the third debate, without the attendance of an absolute majority of the Members of the Assembly.

101. A project of law having been approved by the Assembly, it will be transmitted to the Executive Power, and in the event of the Executive also approving it the said Executive will take the necessary steps to promulgate it as a law; but in the event of the Executive not approving it, then it will be returned to the Assembly, with the objections specified.

102. A period of six days is allowed the Executive Power to

return a Project of Law with any objections it may be desirable to make, when the Project does not contain more than 50 Articles; 10 days when the Project contains from 51 to 200 Articles; and up to 15 days when there are more than 200 Articles.

103. If the Executive Power has not returned the legislative Act without alterations within the periods mentioned, it cannot refuse to sanction and promulgate it; but if the Assembly adjourns within the said periods, the Executive will be obliged to publish the Project, approved or disapproved, within the ten days following the day on which the National Assembly has closed its Session.

104. A Project of Law rejected by the Executive will come before the Assembly in the third debate, and a Project which has been disapproved of only in part will be reconsidered in the second debate, with the sole object of taking into consideration the objections of the Executive.

105. The Executive Power will sanction every Project which, on reconsideration, is adopted by two-thirds of the votes of the Deputies present at the debate, as long as the number present constitute the quorum required.

In the event of the Executive objecting to a Project as unconstitutional, and the Assembly insisting on its adoption, the Project will pass to the Supreme Court of Justice, so that it shall decide upon its constitutionality within six days. An affirmative decision by the Court makes it obligatory for the Executive to sanction and promulgate the law. In the event of a negative decision, the Project will be placed in the archives.

106. If the Executive does not comply with its duty of sanctioning the laws within the periods and according to the conditions established by this chapter, the President of the Assembly will sanction and promulgate them.

107. Every law will be promulgated within six days following its sanction.

108. Reasons should be assigned for the enactment of a law, the text of which shall be preceded by this formula:—

“The National Assembly of Panamá

“Decrees:”

109. The Projects of Law which remain pending in the Sessions of one year can only be considered as new Projects in another Legislature.

CHAPTER XI.—*Of the Public Ministry.*

110. The Public Ministry will be administered by the Attorney-General of the nation, and by the Fiscal Agents and municipal employés and other functionaries designated by law.

111. The duties of the functionaries of the Public Ministry consist in defending the interests of the nation; furthering the enforcement of the laws, judicial sentences, and administrative measures; supervising the official conduct of the public employés; and prosecuting those guilty of crimes and contraventions of the law, and the disturbance of social order.

112. The term of office of the Attorney-General of the nation will be four years.

113. To be Attorney-General of the nation the same qualifications are necessary as in the case of a Magistrate of the Supreme Court of Justice.

114. The special functions of the Attorney-General of the nation are:—

(1.) To see that all the public functionaries in the service of the nation faithfully and fully discharge their duties;

(2.) To accuse before the Supreme Court such functionaries as would be tried before this Tribunal;

(3.) To see that the other functionaries of the Public Ministry faithfully discharge their duties, and take steps to hold them responsible for any faults they may commit;

(4.) To appoint and remove employés immediately under him; and

Such other acts as may be assigned to him by law.

CHAPTER XII.—*Of Finance.*

115. The following belong to the Republic of Panamá:—

(1.) All the property existing in the territory which belonged to the Republic of Colombia;

(2.) The rights and shares owned by the Republic of Colombia within or without the country by reason of the sovereignty exercised by that country over the territory of the Isthmus of Panamá;

(3.) The property, revenue, land, valuables, taxes, and shares which belonged to the ex-Department of Panamá;

(4.) The waste lands and salt beds, quartz and alluvial mines, or mines of any other description, and those of precious stones, without prejudice to previously acquired rights.

116. The right to issue money of legal tender belongs solely to the nation, and is not transferable. No private banks shall have the right to make such issues.

117. There shall be no forced paper currency in the Republic. Consequently, any individual may refuse any bank-note or other bill which does not inspire confidence, be it of official or private origin.

118. There will be no transfer of real estate in the Republic to

foreign Governments, except that governed by stipulations in public Treaties.

119. No expenditure can be incurred which has not been authorized by law.

Nor can there be a transfer of any credit to an object not provided for in the respective Budget.

120. When in the judgment of the Executive Power expenditure may be imperatively necessary at a time when the National Assembly is not in Session, there being no fund for such expenditure, or the fund being insufficient, a supplemental or special credit can be opened in the respective Department.

These credits will be opened by a Cabinet Council, under their collective responsibility, vouchers for which must be made out to justify the expenditure.

The legalization of these credits pertains to the National Assembly.

121. The collection of any indirect contribution, or increase of tax of this class, cannot take effect until after three months from the promulgation of the law establishing the contribution or increase.

CHAPTER XIII.—*Of the Public Forces.*

122. All Panamanians are obliged to take up arms in case of necessity to defend the national independence and the institutions of the country.

The law will determine the conditions which carry exemption from military service.

123. The law will organize the military service and the national police force.

124. The nation may maintain for its defence a standing army. Recruiting is prohibited.

125. The standing army cannot vote. They can only assemble by order of the legitimate authority, and can only present petitions in connection with matters relating to the good service and morality of the army, and in accordance with the Army Regulations.

126. Crimes committed by soldiers on active service shall be tried by court-martial or Military Tribunals, in accordance with the Military Code.

127. Only the Government of the nation can import and manufacture arms and materials of war.

CHAPTER XIV.—*Of Provinces.*

128. In each province there will be a Governor appointed by the President of the Republic, and subject to removal by the said President, with the functions and duties which the laws determine.

129. In each municipal district there will be a corporation, which will be designated by the name of Municipal Council, composed of the number of members determined by law, and elected by direct popular vote.

130. The municipal districts will have an autonomous form of government, but they cannot contract debts without authority from the National Assembly.

131. Municipal Councils have the power to order, either on their own initiative or by regulations dictated by Boards or Technical Commissions, whatever may be required for the administration of the district; to vote the taxes and local disbursements, with the limitations which the national system of taxation establishes; and to exercise the other functions defined by the laws.

132. There will be in each municipal district a Mayor, named in the form established by law, whose duty will be to attend to the administration of the municipality as agent of the Governor and mandatory of the people.

CHAPTER XV.—*Of General Measures.*

133. Primary instruction will be obligatory, and public instruction will be free. There will be schools of arts and sciences and establishments of secondary and professional learning at the charge of the nation.

The law can decentralize public instruction and assign special revenue for that purpose.

134. There shall be no employé in Panama whose functions have not been properly defined by law or regulation. No public employé can receive two or more salaries from the national Treasury, except that which the laws set aside for special cases.

135. The ministers of religious creeds cannot exercise in the Republic a public, personal, civil, or military office, except such as is connected with charities or public instruction.

136. The Government of the United States is empowered to intervene, in any part of the Republic of Panamá, for the purpose of re-establishing public peace and constitutional order if such may be disturbed: Provided that, by virtue of a public Treaty, that nation assumes, or may have assumed, the obligation to guarantee the independence and sovereignty of the Republic.

CHAPTER XVI.—*Of the Reform of the Constitution.*

137. This Constitution can be reformed by a legislative Act, framed in legal form and transmitted by the Government to the National Assembly in ordinary Session for final examination, and

reconsidered and approved by two-thirds of the members composing the Assembly.

CHAPTER XVII.—*Of Transitory Measures.*

138. In order to guarantee to posterity a part of the pecuniary benefits derived from the negotiations for the opening of the inter-oceanic canal, the sum of 6,000,000 dollars is to be reserved, which will be converted into securities producing a fixed annual revenue. The law will regulate this conversion.

139. The law can only impose the death penalty for the crime of murder in a case of extreme atrocity, and only until such time as good houses of correction or properly constituted penitentiaries are established in the Republic.

140. The first President of the Republic will be elected by the National Convention by an absolute majority of votes the same day on which this Constitution is promulgated. He can take possession of the office immediately, and will continue in the discharge of his functions up to the 30th September, 1908.

The Vice-Presidents ("Designados") will be elected the same day on which the President is elected, and their term of office will terminate the 30th September, 1906.

141. Any citizen is eligible as first Constitutional President of the Republic of Panamá, who, without being a Panamanian by birth, shall have taken an active part in the independence of the Republic.

142. As soon as this Constitution has been sanctioned by the Provisional Board of Government of the Republic, the Convention will lose its character as such, and will assume all the functions of the National Assembly, but the prohibition established by Article 64 will remain in force for the Deputies.

143. The Executive Power may convoke the National Convention to extraordinary legislative Sessions if it is requisite to do so before the first National Assembly meets.

144. The first National Assembly will meet the 1st September, 1906.

145. The National Assembly hereby ratifies all the acts of the Provisional Board of Government from the 3rd November, 1903, up to the 15th January, 1904.

146. The existing monopolies and other privileges will continue up to the termination of the respective legitimate contracts if it should not be possible to arrange with the concessionnaires for their immediate termination on an equitable basis.

147. All the laws, decrees, regulations, orders, and other measures, which were in force up to the time of promulgating this Constitution, will continue to be observed in so far as they do not

come into conflict with the Constitution and the Laws of the Republic of Panamá.

148. This Constitution will begin to rule for the high national powers from the day on which it is sanctioned, and for the Republic fifteen days following its publication in the Official Gazette.

Done in the city of Panamá, the 13th February, 1904.

PABLO AROSEMENA, *President of the National Constituting Convention, Deputy from the Province of Panamá.*

LUIS DE ROUX, *First Vice-President of the National Constituting Convention, Deputy from the Province of Panamá.*

H. PATIÑO, *Second Vice-President of the National Constituting Convention, Deputy from the Province of Panamá.*

(Signatures of 29 Deputies.)

JUAN BRIN, *Secretary.*

Provisional Board of Government of the Republic, Panamá, February 15, 1904.

Publish and enforce.

J. A. ARANGO.
FEDERICO BOYD.
TOMAS ARIAS.

EUSEBIO A. MORALES, *Minister of Government.*

F. V. DE LA ESPRIELLA, *Minister for Foreign Affairs.*

CARLOS A. MENDOZA, *Minister of Justice.*

MANUEL E. AMADOR, *Minister of the Treasury.*

NICANOR A. DE OBARRIO, *Minister of War and Marine.*

JULIO J. FABREGA, *Minister of Public Instruction.*

COPYRIGHT CONVENTION between the Governments of Spain and Equator.—Signed at Quito, June 30, 1900.

[Ratifications exchanged at Quito, November 1904.*]

(Translation.)

HIS Majesty the King of Spain and his Excellency the President of the Republic of Equator, being equally desirous to guarantee between nations already united by close fraternal ties the exercise of copyrights concerning the literary, scientific, and

* Promulgated by Decree of the 24th March, 1905.

artistic works that may be published in either of the two nations, have deemed it convenient to conclude a special Convention to that effect, and have appointed as their Plenipotentiaries the following :

His Majesty the King of Spain, Señor Don Antonio Diaz Miranda, his Chargé d'Affaires in the Republic of Equator; and

His Excellency the President of Equator, Señor Doctor Don José Peralta, Minister of State in the Department of Foreign Affairs :

Who, after having communicated to each other their respective full powers, and having found them in good and due form, have agreed on the following Articles :—

ART. I. The authors of literary, scientific, and artistic works, published up to date, or which may in future be published, shall enjoy in each of the two countries, reciprocally, the privileges stipulated in the present Convention, as also all those conceded, or which may hereafter be conceded, by law in either State for the protection of works of literature, science, or art.

For the guarantee of the said privileges, the recovery of damages, and the prosecution of persons committing piracy, they shall have the same protection and the same legal redress conceded, or which may hereafter be conceded, to national authors in each of the two countries, whether by the special laws respecting intellectual property rights or by the general civil or criminal legislation.

The expression “ literary, scientific, or artistic works ” includes books, pamphlets, and any other writings; dramatic works or lyrico-dramatic productions with or without words; musical compositions and arrangements; chorographic works, works of drawing, painting, sculpture, and engraving; lithographs and illustrations; maps, photographs, and especially phototypes, plans, sketches, and plastic works relative to geography, topography, architecture, or sciences in general; and finally, any production in the sphere of literature, science, or art which may be published by any means of printing or reproduction.

II. The High Contracting Parties bind themselves to deliver mutually each quarter, through their Legations or other authorized channel, a list of the works in favour of which the authors or publishers may have protected, with the formalities prescribed by law, their own rights in their respective countries.

III. Whenever, in one of the two countries, judicial proof should be presented that the author, translator, or publisher, has protected his rights according to the formalities prescribed by the law of the country where it originated, it shall be sufficient proof to furnish a certificate, issued by the Minister of State for the Department of Public Instruction, in the case of Equator, and by the Minister of Public Instruction and Fine Arts in the case of Spain,

legalized respectively by the Department of Foreign Affairs or by the Department of State, and by the corresponding Diplomatic or Consular Representatives, according to circumstances.

Nevertheless, if the person enjoying the rights of proprietorship according to the laws of one country, has remitted, or should remit, to the corresponding Department of the other one or more copies of the work which occasions the proceeding, the presentation of the work and the proof of its authenticity, together with its appearing in the official list to which the first [*sic*]* paragraph of the preceding Article refers, shall be considered sufficient proof, and there will be no necessity of sending the aforementioned certificate.

In any case, the fact of its appearing in the said list shall be sufficient, whenever there may be a complaint or claim on the part of authorized parties against the fraudulent character of a publication, to stop its circulation while the matter is being investigated.

IV. The stipulations of the first Article apply equally to the representation or execution, in either of the two States, of the dramatic or musical works of authors or composers of the other country.

V: The translation of national works or foreign works made by an author belonging to one of the two States are expressly considered as if of the same category as the original works. Translations shall, on this account, enjoy the protection stipulated by the present Convention for original works as far as concerns their unauthorized reproduction in the other State. It should, however, be clearly understood that the present Article has for its only object the protection of the translator respecting the version he may have made of the original work, and does not confer the exclusive right of translation to the first translator of any work written in a dead or living language.

VI. The subjects of either of the two countries, authors of original works, shall have the right to oppose the publication in the other country of all translations of said works not authorized by themselves; and this during the whole time which may have been conceded to them for the enjoyment of the exclusive literary, scientific, or artistic copyright concerning the original work; so that the publication of an unauthorized translation is equivalent in all respects to the illicit production of the work.

The authors of dramatic works shall enjoy reciprocally the same rights respecting the translations or performances of translations of their works.

VII. Equally prohibited are the indirect unauthorized appropriations, such as adaptations, imitations called *bond fide*, utiliza-

* Identical with reference given in the original text.

tions, transcriptions of musical works, and, in general, all use made by the press or on the stage of dramatic or artistic works without the consent of the author.

VIII. It shall, however, be reciprocally permissible to publish, in either of the two countries, extracts or whole fragments, accompanied by explanatory notes, of the works of an author in the other country, in the original language or translated, as long as the source is indicated and they are destined for the purposes of teaching or study.

IX. Writings inserted in periodical publications, the rights of which have not been expressly reserved, may be reproduced by any other publications of the same class, but on the condition that the source from which the copy is taken is indicated.

X. The legal agents or representatives of authors, composers, and artists shall enjoy, reciprocally and in all respects the same rights as those which the present Convention concedes to authors, translators, composers, and artists.

XI. Literary, artistic, and scientific copyrights recognized by the present Convention shall be guaranteed to the authors, translators, composers, and artists, or to their assignees or legal representatives in each of the two countries during the whole time which the legislation of the country in which their works are produced allows for the copyright.

XII. All the necessary formalities having been complied with to insure in both States the copyright of a literary, scientific, or artistic work, its introduction, sale, or exhibition in either country shall be prohibited, unless with the permission of the authors, publishers, or proprietors.

XIII. Every edition or reproduction of a scientific, literary, or artistic work not made in conformity with the provisions of the present Convention shall be considered as a pirated work.

Any one who may have published, sold, offered for sale, or introduced into the territory of one of the two countries any pirated work or object shall be punished according to the laws in force in either of the two countries in the respective cases.

It is an aggravating circumstance of the piracy to vary the title of the work, or alter its text in order to publish it.

XIV. The provisions of the present Convention shall in no wise prejudice the right which belongs to both States to permit, watch, or prohibit, by means of legislature or police measures, the circulation, representation, or exhibition of every work or production with respect to which the competent authority may have to exercise this right.

The present Convention shall not conflict in any sense with the right of the one State or the other to prohibit the importation into its own territory of books which, in virtue of its internal laws or by

stipulations agreed upon with other Powers, are or may be declared to be pirated works.

XV. It is understood that the sale, execution, performances, or exhibitions of scientific, literary, or artistic works which, in virtue of this Convention, are prohibited, are those which shall be effected in public or for valuable consideration, and not those which may be effected by private individuals without the object of gain, such as private sale between persons not engaged in the sale of the works in question, or the private execution, performance, and exhibition in private houses of literary or artistic works.

XVI. The prohibition to reprint, publish, introduce, sell, perform, exhibit, or execute, in either of the two countries, works which have not been published by their authors or by authorization of the same, does not impose on the two States the obligation to see extra officially that the said prints, publications, sales, execution, exhibitions, or performances are prevented; but it is the duty of the interested parties, or their representatives, to denounce to the respective authorities the reprint, introduction, sale, &c., about to be made or already executed, so that by legal procedure and means the act in question may be impeded or punished. With this object the interested parties should have, in the two countries respectively, their agents furnished with ample powers.

XVII. The prohibition of the sale of works to which this Convention refers does not apply to those which, at the date of its promulgation in both countries, may already be publicly exposed for sale in either of them. To determine which these may be, at the petition of the interested party, they shall be marked by the authority which for that purpose may be appointed.

XVIII. Both States shall insure to each other mutually the treatment of the most favoured nation, that is to say, that if in any Convention for the protection of copyright for intellectual labours, greater advantages be conceded by one of them to a third Power, the other shall likewise enjoy equal advantages under the same conditions.

XIX. The present Convention shall be put in force two months after the exchange of the ratifications, and shall be binding for a period of six years, and remain in force until denounced by one or other of the High Contracting Parties and for one year after such denunciation.

Both Parties reserve, nevertheless, the right to introduce into it by common consent any modifications or amendment which experience may show to be expedient, and which may be compatible with its spirit and principles.

XX. The ratifications of the present Convention shall be exchanged at Quito or at Madrid as soon as possible.

In witness whereof the undersigned Plenipotentiaries have signed it in duplicate and affixed thereto their seals.

Done at Quito, the 30th day of June, in the year 1900.

(L.S.) A. DIAZ MIRANDA.

(L.S.) J. PERALTA.

*TREATY of Friendship and Commerce between the Kingdom of Sardinia and Morocco.—June 30, 1825.**

(Translation.)

ART. I. Perpetual peace and friendship is assured, together with the establishment in the Empire of a Consul of our own, who shall be chosen among our subjects.

II. The subjects of the two States shall carry on commerce by sea and land in complete security, without provoking molestation, opposition, or displeasure, and shall enjoy reciprocally in either State the same advantages as are accorded to the most favoured nation.

III. The Consuls and other Consular officials of one of the two States shall enjoy in the other the same advantages, favours, privileges, protection, and consideration as are enjoyed by those of the most favoured nation.

IV. Our subjects shall not be compelled to furnish cannon, gunpowder, or other munitions of war, and the vessels covered by our flag shall not be detained by force in the States of the Emperor of Morocco, nor be compelled to convey any articles from a specified port to any other port, except voluntarily.

V. The passports, "scontrini," and other papers of the same nature required by our subjects for verification and recognition by Morocco ships, or in the States of Morocco, shall be given by our Ministers only to our subjects.

The recognition of the vessels of the two Powers shall be effected by the exhibition of the "scontrino" or "contrassigno." Small fishing-vessels and the like shall, however, be excepted from this requirement.

On the exhibition of the "scontrino," the corsairs of the Emperor of Morocco, when they encounter at sea merchant-vessels under our flag, shall not detain them nor delay their voyage, nor shall they board them for the purpose of inspecting their cargo, or

* As communicated in a Royal letter addressed to the Admiralty Council on the 6th October, 1825. The Treaty was concluded by the Sardinian Consul, Girolamo Ermirio, but there is nothing to show where it was signed.

communicate with them, so that they may not be obliged to undergo quarantine in their port of destination.

In case of urgency, should one be in need of the assistance of the other under any circumstances whatever, it shall be permitted to the one to help the other, as between friends who are in good harmony.

Our ships of war shall conduct themselves in the same manner towards the ships of war or merchant-vessels of Morocco, and shall only require the exhibition of the papers given by their Consul residing at the port from which they may have set out.

VI. When a ship of war of one of the two Powers shall meet a merchant-vessel of the other, the Commander of the ship of war shall not oblige the master of the merchant-vessel to come on board in his boat to exhibit his papers, but the Commander of the ship of war shall himself lower his launch into the water and go on board the other.

If the papers give rise to any suspicion which can only be put an end to by an examination, the Commander shall not permit any one to go on board, but shall intrust the visit to a person in authority.

If such proceeding shall result in any loss to the ship or her cargo, he who shall have occasioned the loss shall be punished, and shall make good the damage, or condemned to pay for what shall have been lost.

VII. Should a ship of war of the Emperor of Morocco capture a vessel belonging to a Power with whom he may be at war, and should any of our subjects be found on board the same, they shall not be subjected to any unpleasantness, but shall be free in their persons, their effects, and their merchandize, and shall be forwarded, with their property, to a port in the Empire of Morocco at which there may be one of our Consular officials, or in a port of another Power at peace with the Emperor. If sent to a port in one of our States, they shall be handed over to the Commandant of the place.

Commanders of our ships of war will act in the same manner towards subjects of Morocco.

VIII. When a Sardinian vessel pursued by an enemy takes refuge within cannon-shot of the coasts of the States of the Emperor of Morocco, she shall be protected and defended as far as possible, and the Commandant of the coast shall require the enemy ship to depart at once, or shall detain her for such time after the departure of the Sardinian vessel as is customary by maritime rules.

The same practice shall be observed towards vessels of the Emperor which, pursued by an enemy, take refuge on the coasts of our dominions.

IX. All vessels belonging to the subjects of the Emperor of Morocco which leave the ports or coasts of the Empire, on their arrival at the ports or coasts of our dominions shall be obliged to undergo quarantine at the places established for that purpose, or in any other place that may be indicated. On the termination of the quarantine they may enter any of our ports that they may desire.

Equally, the vessels covered by our flag approaching a port of Morocco shall be required to undergo quarantine at the places indicated for that purpose, and shall conform to such practices as are followed by other Powers in similar cases.

X. Our ships of war, on entering the ports of the dominions of the Emperor, shall be received in the same manner as the ships of war of any other Power at peace with the same, and shall embark provisions and anything else that may be required, in accordance with what is customary as regards other Powers most acceptable to the Emperor.

The same proceedings shall be followed as regards the armaments of Morocco on their approaching our ports.

XI. When one of our ships of war enters a port in the dominions of the Emperor, the Consul, or other authority discharging those functions, shall notify the fact to the local Commandant, in order that none of the prisoners that may be in the place shall take refuge on board, since, should a prisoner succeed in taking refuge on board, no person shall have the power to remove him, by reason of the respect due to our flag.

Moreover, no person shall make a demand for him of our Consul, nor shall the latter be liable to any other exactions on the same account.

The same proceedings shall be followed in our ports as regards the vessels of the Emperor of Morocco.

XII. It shall not be permitted to any ship of war of either Power to cast anchor in the neighbourhood of a port of the other in which may be anchored an enemy ship, in order to capture the latter on its departure; nor to attack the enemy ship, should it be within cannon-shot. It shall likewise not be permitted to attack the anchored vessel at the same distance in a place where there are no cannon, in conformity with usage.

XIII. Should a vessel covered by our flag be driven ashore upon a coast of the States of the Emperor of Morocco by the action of the sea, the manœuvre of an enemy ship, or from any other cause, the Captain of the place and the inhabitants shall help to get her again afloat, and, if necessary, assist in removing her cargo and anything else she may carry, and shall not require of our Consul, of his Agent, or any person charged with such operations, or who has

carried out the inspection, any expenses other than those actually incurred by the unloading, nor shall any customs dues on the merchandize be imposed. If, however, any of the goods shall be sold at the place, the duties leviabie shall be paid, but, as regards the merchandize, this shall be again loaded into the vessel, or into any other vessel at another place; no dues or other taxes whatever shall be levied.

The assistance and succour stipulated can only be expected when the vessels shall approach the ports of Tetuan, Tangier, Laraiche, Saffee or Mogador, and Rabat, or other parts of the coast which may be inhabited, but not when approaching the shores of the desert, or places frequented by bad characters ("masnadieri").

XIV. We shall establish in the-ports of Morocco Consuls and Vice-Consuls to assist the merchants, captains of vessels, and seamen, and to settle the questions that may arise between them without interference by the Governor of the place, unless the Consul should request his assistance against those who may refuse to accept his decisions. In such cases the assistance given shall be only such as is asked.

XV. Our Consul shall be at liberty to hoist our flag on his house and on the boat which shall convey him to vessels of his nation, as may be required. His residence shall be entitled to the same consideration and respect as those of the Consuls of other Powers.

XVI. No person shall hinder our Consul from establishing in his house a chapel for the performance, as regards our subjects, of the duties of our holy religion. The subjects of other Powers shall be able to take part in such ceremonies, should they so desire.

XVII. If any one of our subjects should die in the States of the Emperor of Morocco, the Consul shall regulate the succession, and shall proceed in accordance with judicial formalities either to dispose at will of the inheritance, or to consign it to the heirs of the deceased, without any interposition whatever of the laws of the country, or of the Governor of the place.

XVIII. Should one of our subjects in the States of Morocco raise his hand to beat a subject of the Emperor, justice between the two shall be administered in the presence of the Consul. If the offender takes flight, the Consul shall not be required to seek him out in order to compel his appearance. Similar proceedings shall be followed in the case of one who raises his hand to beat one of our subjects. He shall be punished according to his offence, but if he takes flight or reaches a place of asylum, the Governor shall have no power to search for him with that object.

XIX. If it should happen that the Treaty of Peace and Friend-

ship between the two Powers should be broken (which God forbid), and that war should result, the two Sovereigns shall accord reciprocally a period of six months in order to give the subjects of the respective States entire liberty to dispose in the interval of their merchandize, or to transport it in safety to any other place that they may consider convenient, without any disturbance or impediment under the pretext of the existence of the rupture before mentioned. They shall be able to take with them their effects and their families, whether born in Mussulman territory or not.

Should a state of war exist between the two Powers, and one of them should capture a vessel of the other, the persons taken shall not be made slaves, but shall be detained solely with a view to their liberation. They shall be exchanged head for head, the captain and officers counting as ordinary seamen.

Prisoners shall not be detained longer than a year.

If there should be found on board the captured vessels of either of the Powers respectively boys of about 12 years of age, or old men of more than 60, or any women, they shall be sent wherever it may please them to go. The cost of their passages to the place selected by them shall be at their charge.

XX. The inhabitants of the Principality of Monaco are included in the Treaty equally with our subjects.

XXI. Should any dispute arise as to the meaning of any Article of this Treaty which may be read in two ways, and an agreement cannot be arrived at as to its interpretation, or the manner of executing it, peace shall not on that account be altered, but shall be preserved and consolidated, and the disputed point cleared up in the most convenient manner. During this discussion the subjects of the two nations shall enjoy full liberty in the execution of the present Treaty, and in their commerce. No person shall molest them, and war shall not arise between the two Powers, even should one of them refuse to submit to the course of justice.

XXII. If, in the States of Morocco, disturbances should arise between our subjects and subjects of Morocco, the difficulties shall be settled in equity and justice, for which purpose our subjects may present themselves before the Court, assisted by our Consul or other Consular official, or may be represented by an attorney. Appeal from the decision, whether favourable or otherwise, may be made to the Emperor.

On the other hand, should a question arise in our States, it shall be determined by the competent authority in the presence of the Consul of Morocco, or his agent or attorney, and if justice is not accorded appeal shall be made to a Supreme Judge, to whom shall appertain the jurisdiction in such a case.

XXIII. Any omission in any of the foregoing stipulations shall

be remedied always to the advantage of the subjects of the two States.

TREATY of Peace and Commerce between Austria and Morocco.
—Signed at Gibraltar, March 19, 1830.

[Ratified by the Emperor of Austria, May 15, 1830.]

(Translation.)

THE perpetual peace concluded in the year 1805 between Austria and Morocco having been unhappily disturbed by the capture of the Austrian merchant-vessel "Il Veloce," seized by a Morocco corsair in the month of July 1828, and the Government of Morocco having satisfied the claims of the Austrian Government by the restitution of the vessel in question, His Majesty the Emperor of Austria, King of Hungary and of Bohemia, &c., and His Highness the Sultan of Morocco, &c., wishing to manifest and consolidate the re-establishment of the good understanding between them, have resolved to renew perpetually for themselves, their heirs and successors, the Treaty of Peace and Commerce before-mentioned, but introducing into the same some alterations in Articles VIII and X. They have to this effect appointed as Delegates, that is to say :

His Majesty the Emperor of Austria, Signor Francesco Bandiera, Commander of the Imperial Order of Leopold of Austria, Cavalier of the Imperial Austrian Order of the Iron Crown of the second class, and of the Order of Christ of Portugal, Commanding the Naval Division of His Imperial Majesty in the West ; and Signor Guglielmo de Pflügl, Cavalier of the Imperial Order of Leopold of Austria, Commander of the Order of the Tower and Sword of Portugal, Councillor of Legation of his said Majesty ; and

His Highness the Sultan of Morocco, Signor Judah Benoliel, his Consul-General at Gibraltar ;

Who, in virtue of the authority with which they have been furnished, have agreed that the Treaty of Peace and Commerce concluded in the year 1805 between Austria and Morocco is renewed from the date of this day, and shall be preserved from this time forward and in perpetuity as follows :—

ART. I. The subjects of both the Powers shall comport themselves towards each other amicably and peaceably, and shall not allow to subsist between them any hostility or opposition whether by land or by sea, and whenever there may be occasion for requiring the

assistance of the other, they should each render such assistance and lend to one another all friendly aid.

II. When a merchant-vessel meets a ship of war and the latter may wish to examine the navigation papers of the former, she shall send only two persons in the boat to verify the passport ("passaporto").

III. When a Morocco vessel of war meets at sea an Imperial and royal merchant-ship, the latter shall only be required on its own deck to show to the former its passport, the persons shall remain in the boat, and no person shall be permitted to go on board the ship, in order that the Imperial and Royal vessel may not be subjected to quarantine.

IV. Only a ship of war shall be permitted to examine the passport of a merchant-vessel, whenever she may meet with one at sea, and to compare the manifest with that in the possession of the captain.

V. When a vessel of the Contracting Powers shall have been driven on shore in a storm in the harbour itself or on any coast of the sea, all the merchandize and effects on board the vessel shall be placed in safety and under guard; the inhabitants of the place in which the wrecked vessel may be shall watch over the same and, until the vessel, the merchandize, and the individuals and their effects can be placed in safety, it will be their duty to assist them in every way necessary, and if such vessel should be saved by the aid of God and should require repairs or refitting, it shall be afforded in order that the vessel may proceed on her voyage. If an Imperial and Royal ship should be wrecked in one of the ports or on the coast of Morocco, and there should be any merchandize which the owner might not wish to sell in Morocco, but should desire to take back to his own country he shall not be bound to pay on that account any customs duty.

VI. No person a subject of either of the contracting countries should be led out of the other in a state of slavery, and if any such be found on board an enemy's ship, neither he nor his property shall be detained if it shall be shown that he is a subject of one of the Contracting Parties, nor shall any claim on that account, great or small, be put forward before either of the two Courts.

VII. It shall be permitted to Imperial and Royal merchants to visit at their pleasure any port of Morocco, and, reciprocally, to the merchants and vessels of Morocco to enter, at their pleasure, any port of His Imperial and Royal Majesty, in which the captain of the port shall observe all the same formalities towards the merchants that arrive there as are observed in the case of those of other nations. The merchants shall moreover be at liberty to sell their merchandize in the said ports, and to make purchases, at their

pleasure, of all kinds, without any person being able to claim in respect of the same any customs dues beyond those ordinarily payable.

VIII. The merchandize placed on board Austrian vessels in the States of His Imperial and Royal Majesty, or on board vessels of other nations, and, generally, all merchandize shipped in any port in Austrian vessels, when it shall enter a port of His Highness the Sultan, shall pay the same customs dues as are payable by the most favoured Christian nation. As regards any goods that may not be unloaded from the ship, and which the owner desires to take away again with him, no taxes shall be payable.

IX. When an Imperial and Royal Consul, or his substitute, arrives in a port of Morocco, with the intention of looking after the vessels of his nationals, and to assist them in their affairs, he shall do so at his own house, and shall be at liberty to hoist the flag of his country in the same way as the Consuls of other countries at peace with Morocco are allowed to do, and to decide any controversies that may arise between his own nationals.

X. Should a war break out between other Christian and Mahommedan countries it shall not be allowed on any account to disturb the peace at present subsisting between Austria and Morocco, nor produce any other innovation, but the friendship and the peace shall continue between them. Should, however, war break out between one of the Contracting Parties and another country, no one belonging to either of the two Courts shall hinder those belonging to the other from navigating on the sea with their persons and property as in time of peace. The subjects of both Parties shall be at liberty to place on board any vessel whatever all that they wish to convey whether passengers or merchandize.

XI. Should the present peace, which may God preserve, undergo any alteration by lapse of time, or the present state of things be disturbed and peace changed into war, neither of the Contracting Parties shall allow the other to be affected thereby until after the lapse of six months; and if a subject of one of the two Courts finds himself in the States of the other, his person and property shall be respected and maintained in security until he can return to his own country, even should the above-mentioned period of six months have elapsed, and he shall not lose any portion of his property in the State of the other Party, in accordance with the requirements of the laws of justice.

XII. The present perpetual peace and friendship shall last for ever, and the Treaty of Commerce subsisting between the two Parties and established by the preceding Articles shall, with the will of God, never be destroyed by any circumstances, nor shall any additions or derogations take place.

In faith of which the above-named Delegates have signed the present Treaty, and have affixed thereto their respective seals.

Done at Gibraltar, the 19th March, 1830.

(L.S.) BANDIERA."

(L.S.) PFLÜGL.

(L.S.) JUDAH BENOLIEL.

RUSSIAN DECREE regarding the Right of Navigation under the Russian National Flag.—June 6, 1904.*

PAR avis du Conseil de l'Empire, confirmé par Sa Majesté l'Empereur le 6 Juin, 1904, il a été statué sur la proposition de l'auguste Président de la Commission Spéciale pour l'élaboration d'un Projet de Code de Lois sur la marine marchande, ce qui suit :

A titre de modification et de supplément aux lois en vigueur, le droit de naviguer sous pavillon national Russe sera subordonné aux règles suivantes :—

1. Le droit de naviguer sous pavillon national Russe appartient exclusivement aux navires Russes.

2. Ne sont considérés comme navires de commerce Russes que ceux appartenant :

(a.) A un seul et unique propriétaire, ou en commun à plusieurs propriétaires (Code de Commerce, Article 155), s'ils sont tous sujets Russes ;

(b.) A des sociétés en nom collectif ou en commandite, si tous les sociétaires, et en sus dans le second cas tous les dépositaires, sont sujets Russes ;

(c.) A une société par actions, à une compagnie ou société par titres de participation ("Bulletin des Lois," tome x, première partie du Code Civil, Article 2139 ; tome xi, seconde partie, Code de Commerce), si toutes les actions ou titres de participation sont nominatifs et appartiennent à des sujets Russes, et en outre si le siège de la direction de l'entreprise se trouve dans les limites de l'Empire et si les membres des Conseils de Direction, les Directeurs-Gérants, et les personnes occupant des fonctions analogues sont des sujets Russes.

3. Tout navire perd le droit de naviguer sous pavillon national Russe (Article 1) :

(a.) Si, dans le courant de trois ans après la mort du testataire,

* "Journal de Saint-Petersbourg," August 20
September 11, 1904.

le sujet étranger ayant hérité d'un navire ou d'une part du droit de propriété au navire, ne les aura pas vendus à un sujet Russe ou si les co-propriétaires du navire n'auront pas acheté, soit le navire en entier, soit les parts de ce navire, aux termes indiqués dans l'Article 161 du Statut du Commerce :

(b.) Si le sujet étranger jouissant, à titre d'héritier de l'un des dépositaires, du droit de participer à la société en commandite possédant le navire ou de l'un des sociétaires participants de la société en nom collectif ou en commandite, n'aura pas cessé de faire partie de la société dans un délai de trois ans après la mort du testataire.

4. Tout navire perd le droit de naviguer sous pavillon national Russe (Article 1) si son unique propriétaire, ou l'un des co-propriétaires ou sociétaires participants de la société en nom collectif ou en commandite, possédant le navire, se fait naturaliser à l'étranger, sans observer les règles indiquées dans les §§ (a) et (b) de l'Article 3.

5. Les navires de commerce, acquis en commun par leurs propriétaires avant la publication dans le "Bulletin des Lois" du présent Règlement, continuent, même dans le cas où ils ne répondraient pas aux stipulations de l'Article 2, à jouir, comme par le passé, du droit de naviguer sous pavillon national Russe.

6. Les entreprises maritimes, ainsi que les maisons de commerce possédant des navires marchands, et qui ont été fondées avant la publication dans le "Bulletin des Lois" du présent Règlement, ainsi que les navires appartenant à des sociétés en nom collectif ou en commandite existantes, même si elles ne répondent pas aux stipulations de l'Article 2, continuent à jouir du droit de naviguer sous pavillon national Russe.

7. Dans le cas où les entreprises énumérées dans l'Article 6 seraient amenées à augmenter leur capital ou à admettre de nouveaux membres dans le but de multiplier l'effectif de leur flotte marchande :

(a.) Les sociétés en nom collectif ou en commandite ne pourront admettre en qualité de sociétaire qu'un sujet Russe ;

(b.) Les nouveaux dépôts, donnant droit de participation aux sociétés en commandite, ne peuvent être faits que par des sujets Russes ;

(c.) Dans les sociétés par actions, les actions nouvellement émises devront être nominatives et appartenir à des sujets Russes.

8. Les entreprises maritimes ou entreprises commerciales et industrielles possédant des navires de haute mer, qui existaient antérieurement à la publication dans le "Bulletin des Lois" du présent Règlement, continuent, même si elles ne répondent pas aux stipulations de l'Article 2, à jouir des avantages et privilèges acquis

à la marine marchande, jusqu'à l'expiration du terme pour lequel ces avantages et privilèges ont été accordés.

9. Les règles formulées dans les Articles 1 à 4 seront applicables six mois après la date de leur publication dans le "Bulletin des Lois."

("Bulletin des Lois," No. 133.)

SWISS NOTIFICATION of the Denunciation of the Convention of Commerce with Spain of the 13th July, 1892.—October 12, 1904.†*

A LA date du 20 Août dernier le Conseil Fédéral a chargé le Consul-Général Suisse à Madrid de dénoncer, le 31 du même mois, la Convention de Commerce avec l'Espagne du 13 Juillet, 1892,* de telle sorte que, conformément à l'Article X de la Convention, celle-ci cessera d'être en vigueur le 31 Août, 1905. Le Conseil Fédéral déclarait, en même temps, être disposé à entrer en négociations avec le Gouvernement Espagnol en vue de la conclusion d'un nouveau Traité de Commerce.

Par note datée du 24 Septembre, le Ministère des Affaires Étrangères d'Espagne a accusé au Conseil Fédéral réception de la dénonciation du 31 Août.

ARTICLES modifying the Turkish Bankruptcy Law.—August $\frac{9}{22}$, 1905.‡

(Traduit du Turc.)

LA "Gazette des Tribunaux," organe du Ministère de la Justice, a publié l'annexe suivante au Code de Commerce Ottoman:—

ART. 1. Les Tribunaux de Commerce tiendront des registres à souches destinés spécialement à classer et à conserver les déclarations délivrées par les notaires et concernant les protêts levés faute de paiement contre ceux dont les négociations ont un titre commercial.

2. Les syndics, c'est-à-dire, les représentants, seront nommés par le Tribunal parmi les commerçants inscrits à la Chambre de Commerce et les avocats sûrs et éprouvés possédant le permis d'exercer, mais ne faisant pas partie (du personnel) du Tribunal.

* Vol. LXXXIV, page 223.

† "Feuille Fédérale," No. 41, October 12, 1904.

‡ "Moniteur Oriental," September 20, 1905

Dans les endroits où il n'existe pas de commerçants inscrits et des avocats autorisés, les syndics seront choisis parmi ceux qui auront la confiance et l'estime du Tribunal.

3. Chacun des créanciers aura le droit de s'adresser en personne ou par fondé de pouvoirs au Juge-Commissaire, c'est-à-dire, au représentant du Tribunal, pour examiner et étudier, dans le délai fixé pour la vérification des créances, les papiers et livres du failli et de présenter par écrit les protestations y relatives au Juge-Commissaire et éventuellement au Tribunal, ainsi qu'au Procureur-Général.

De même, le Juge-Commissaire communiquera par écrit le contenu de tous les procès-verbaux dressés sur les opérations courantes aux Procureurs-Généraux qui ont le droit d'intervention et d'examen dans n'importe quel état ou moment de la faillite.

4. Les Procureurs-Généraux entameront les poursuites judiciaires soit en cas de dénonciation ou de plainte, soit à la suite d'une demande en banqueroute simple et frauduleuse, formulée d'office. Cependant, le Tribunal de Commerce sera libre de continuer les opérations de la faillite ou de les suspendre jusqu'à l'issue du procès en correctionnelle après avoir pris les mesures nécessaires concernant le mobilier et les marchandises du failli.

En cas de banqueroute simple, le consentement des créanciers à conclure un concordat, c'est-à-dire, un traité d'arrangement, à l'unanimité ou à la majorité en nombre et en somme, ne pourra jamais entraver les poursuites du Procureur-Général. De même, tant que la masse du banqueroutier simple ne sera pas assez élevée pour qu'il soit possible de distribuer sur le montant des créances reconnues un dividende d'au moins 30 pour cent le concordat ne sera pas homologué par le Tribunal.

5. Les créances de ceux qui se présenteront au nom de créanciers se trouvant hors du lieu de la faillite seront inscrites provisoirement dans le registre spécial à la condition d'exhiber une procuration dans un délai convenable. En cas de besoin, le Juge-Commissaire pourra aussi déférer le serment ("yemin istishar")* aux créanciers dont les créances ont été admises. Les publications concernant la convocation des créanciers à l'effet de délibérer sur le concordat devront être faites dans l'espace d'un mois au plus tard, à partir de l'expiration du délai de vérification des créances. De même, les titres concernant une dette exhibés par les créanciers apparentés au failli, aux degrés indiqués dans l'Article 82 du Code de Procédure Civile, ne seront pas admis s'ils ne sont pas légalisés par le notariat et inscrits dans les livres du failli.

En cas d'hypothèque ou de transfert d'immeubles, chaque com-

* Serment dont la formule se trouve dans l'Article 1746 du Medjellé.—
(Note du Traducteur.)

merçant devra d'abord faire inscrire à la Chambre de Commerce l' "ilmou-haber" à délivrer au fonctionnaire du Cadastre ("Defter hakani").

Enfin, les commerçants qui désirent vendre leur mobilier et leurs marchandises, totalement ou en partie, et se retirer du commerce, doivent d'abord en faire la publication dans les journaux.

Dans les localités où il n'y a pas des journaux il faudra en donner avis au Tribunal.

6. Tout commerçant failli qui se trouvera dans un des cas suivants ou similaires sera déclaré banqueroutier simple:—

(a.) Si ses dépenses personnelles ou les dépenses de sa maison seront jugées excessives ;

(b.) S'il a attribué de fortes sommes à des opérations de Bourse ou de loterie considérées comme des opérations fictives et de pur hasard ;

(c.) S'il a contracté pour le compte d'autrui des engagements sans recevoir des valeurs en échange, ou s'il a traité des affaires jugées trop considérables eu égard à sa situation financière ;

(d.) Si, dans l'intention de retarder sa faillite, il a fait des achats pour revendre au-dessous du cours ;

(e.) Si, dans le but de se procurer des fonds, il s'est livré à des circulations d'effets, à des emprunts importants, ou à d'autres moyens ruineux ;

(f.) Si dans les sept jours de la cessation de ses paiements, il n'a pas fait au Tribunal de Commerce la déclaration exigée par les Articles 148 et 149, et rédigé et présenté les pièces nécessaires ;

(g.) Si, après cessation de ses paiements, il a effectué des remises à quelques-uns de ses créanciers ;

(h.) S'il n'a pas tenu les livres nécessaires, légalisés par le notariat, &c.

7. Tout commerçant failli qui, dans le but de léser la masse, aura soustrait et caché tout ou partie de ses livres de commerce ou de ses papiers et effets ; qui aura tenu ses livres d'une façon irrégulière dès le début ou les aura changés et falsifiés plus tard ; qui se sera frauduleusement reconnu débiteur de sommes qu'il ne devait pas, ou qui aura donné frauduleusement une partie de son argent, de ses valeurs ou de ses immeubles à une tierce personne, sera déclaré banqueroutier frauduleux et puni, de même que ses complices, s'il y en a, des peines portées au Code Pénal.

8. Les dispositions du Code de Commerce contraires aux Articles ci-dessus son abrogées.

Le 21 Djemazi-ul-Ahir, 1321.

Le 9 Août, 1321.

ACT of Congress of the United States providing for the Extradition of Fugitive Offenders from the Philippine Islands.

[No. 44.]

[February 6, 1905.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the provisions of sections 5270, 5271, 5272, 5273, 5274, 5275, 5276, and 5277 of the Revised Statutes (as amended by the Act approved the 3rd August, 1882),* so far as applicable, shall apply to the Philippine Islands for the arrest and removal therefrom of any fugitives from justice charged with the commission within the jurisdiction of any foreign Government of any of the crimes provided for by Treaty between the United States and such foreign nation, and for the delivery by a foreign Government of any person accused of crime committed within the jurisdiction of the Philippine Islands. Such fugitive from justice of a foreign country may, upon warrant duly issued by any Judge or Magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such Judge or Magistrate, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the Philippine Islands: Provided that, for the purposes of this section, the order or warrant for delivery of a person committed for extradition prescribed by section 5272 of the Revised Statutes shall be issued by the Governor of the Philippine Islands under his hand and seal of office, and not by the Secretary of State.

Section 2. That the provisions of sections 5409 and 5410 of the Revised Statutes are hereby made applicable to proceedings in extradition from the Philippine Islands, either to the United States under an Act entitled "An Act to provide for the Removal of Persons accused of Crime to and from the Philippine Islands for trial," approved the 9th February, 1903, or to foreign countries under the provisions of this Act.

Approved the 6th February, 1905.

MESSAGE of the President of the United States on the Opening of the Fifty-ninth Congress. — Washington, December 5, 1905.

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

THE people of this country continue to enjoy great prosperity. Undoubtedly there will be ebb and flow in such prosperity, and this

ebb and flow will be felt more or less by all members of the community, both by the deserving and the undeserving. Against the wrath of the Lord the wisdom of man cannot avail; in times of flood or drought human ingenuity can but partially repair the disaster. A general failure of crops would hurt all of us. Again, if the folly of man mars the general well-being, then those who are innocent of the folly will have to pay part of the penalty incurred by those who are guilty of the folly. A panic brought on by the speculative folly of part of the business community would hurt the whole business community. But such stoppage of welfare, though it might be severe, would not be lasting. In the long run the one vital factor in the permanent prosperity of the country is the high individual character of the average American worker, the average American citizen, no matter whether his work be mental or manual, whether he be farmer or wage-worker, business man or professional man.

In our industrial and social system the interests of all men are so closely intertwined that in the immense majority of cases a straight-dealing man who, by his efficiency, by his ingenuity and industry, benefits himself must also benefit others. Normally the man of great productive capacity who becomes rich by guiding the labour of many other men does so by enabling them to produce more than they could produce without his guidance; and both he and they share in the benefit, which comes also to the public at large. The superficial fact that the sharing may be unequal must never blind us to the underlying fact that there is this sharing, and that the benefit comes in some degree to each man concerned. Normally the wage-worker, the man of small means, and the average consumer, as well as the average producer, are all alike helped by making conditions such that the man of exceptional business ability receives an exceptional reward for his ability. Something can be done by legislation to help the general prosperity; but no such help of a permanently beneficial character can be given to the less able and less fortunate, save as the results of a policy which shall inure to the advantage of all industrious and efficient people who act decently; and this is only another way of saying that any benefit which comes to the less able and less fortunate must of necessity come even more to the more able and more fortunate. If, therefore, the less fortunate man is moved by envy of his more fortunate brother to strike at the conditions under which they have both, though unequally, prospered, the result will assuredly be that, while damage may come to the one struck at, it will visit with an even heavier load the one who strikes the blow. Taken as a whole we must all go up or go down together.

Yet, while not merely admitting, but insisting upon, this, it is

also true that where there is no governmental restraint or supervision, some of the exceptional men use their energies not in ways that are for the common good, but in ways which tell against this common good. The fortunes amassed through corporate organization are now so large, and vest such power in those that wield them as to make it a matter of necessity to give to the sovereign—that is, to the Government which represents the people as a whole—some effective power of supervision over their corporate use. In order to insure a healthy social and industrial life every big corporation should be held responsible by, and be accountable to, some sovereign strong enough to control its conduct. I am in no sense hostile to corporations. This is an age of combination, and any effort to prevent all combination will be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law inevitably produces. We should, moreover, recognize in cordial and ample fashion the immense good effected by corporate agencies in a country such as ours, and the wealth of intellect, energy, and fidelity devoted to their service, and therefore normally to the service of the public, by their officers and directors. The corporation has come to stay just as the trade union has come to stay. Each can do and has done great good. Each should be favoured so long as it does good. But each should be sharply checked where it acts against law and justice.

So long as the finances of the nation are kept upon an honest basis, no other question of internal economy with which the Congress has the power to deal begins to approach in importance the matter of endeavouring to secure proper industrial conditions under which the individuals—and especially the great corporations—doing an inter-State business are to act. The makers of our national Constitution provided especially that the regulation of inter-State commerce should come within the sphere of the General Government. The arguments in favour of their taking this stand were even then overwhelming. But they are far stronger to-day, in view of the enormous development of great business agencies, usually corporate in form. Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by State action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is co-extensive with the field of work of the corporations—that is, by the National Government. I believe that this regulation and supervision can be obtained by the enactment of law by the Congress. If this proves impossible, it will certainly be necessary ultimately to confer in fullest form such power upon the National Government by a proper amendment of the Constitution. It would obviously be unwise to endeavour to secure such an amendment until it is certain that the

result cannot be obtained under the Constitution as it now is. The laws of the Congress and of the several States hitherto, as passed upon by the Courts, have resulted more often in showing that the States have no power in the matter than that the National Government has power; so that there at present exists a very unfortunate condition of things under which these great corporations doing an inter-State business occupy the position of subjects without a sovereign, neither any State Government nor the National Government having effective control over them. Our steady aim should be by legislation, cautiously and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the National Government by affirmative action.

This is only in form an innovation. In substance it is merely a restoration, for from the earliest time such regulation of industrial activities has been recognized in the action of the law-making bodies; and all that I propose is to meet the changed conditions in such manner as will prevent the Commonwealth abdicating the power it has always possessed not only in this country, but also in England, before and since this country became a separate nation.

It has been a misfortune that the national laws on this subject have hitherto been of a negative or prohibitive rather than an affirmative kind, and still more that they have in part sought to prohibit what could not be effectively prohibited, and have in part in their prohibitions confounded what should be allowed and what should not be allowed. It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful. Events have shown that it is not possible adequately to secure the enforcement of any law of this kind by incessant appeal to the Courts. The Department of Justice has for the last four years devoted more attention to the enforcement of the anti-Trust legislation than to anything else. Much has been accomplished; particularly marked has been the moral effect of the prosecutions; but it is increasingly evident that there will be a very insufficient beneficial result in the way of economic change. The successful prosecution of one device to evade the law immediately develops another device to accomplish the same purpose. What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition, but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public—as well as such supervision and regulation as will prevent other abuses in no way connected with restriction of competition. Of these abuses, perhaps the chief, although by no means the only one, is over-capitalization—generally itself the result of dishonest promotion—because of the

myriad evils it brings in its train; for such over-capitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in, or limitation of, wages; it damages the small investor, discourages thrift, and encourages gambling and speculation: while, perhaps, worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public. Until the National Government obtains, in some manner which the wisdom of the Congress may suggest, proper control over the big corporations engaged in inter-State commerce—that is, over the great majority of the big corporations—it will be impossible to deal adequately with these evils.

I am well aware of the difficulties of the legislation that I am suggesting, and of the need of temperate and cautious action in securing it. I should emphatically protest against improperly radical or hasty action. The first thing to do is to deal with the great corporations engaged in the business of inter-State transportation. As I said in my Message of the 6th December last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in inter-State traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution, and self-restraint; but it should exist, so that it can be effectively exercised when the need arises.

The first consideration to be kept in mind is that the power should be affirmative, and should be given to some administrative body created by the Congress. If given to the present Inter-State Commerce Commission or to a reorganized Inter-State Commerce Commission, such Commission should be made unequivocally administrative. I do not believe in the Government interfering with private business more than is necessary. I do not believe in the Government undertaking any work which can with propriety be left in private hands. But neither do I believe in the Government flinching from overseeing any work when it becomes evident that abuses are sure to obtain therein unless there is governmental supervision. It is not my province to indicate the exact terms of the law which should be enacted; but I call the attention of the

Congress to certain existing conditions with which it is desirable to deal. In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the Courts. It sometimes happens at present, not that a rate is too high but that a favoured shipper is given too low a rate. In such case the Commission would have the right to fix this already established minimum rate as the maximum; and it would need only one or two such decisions by the Commission to cure railroad companies of the practice of giving improper minimum rates. I call your attention to the fact that my proposal is not to give the Commission power to initiate or originate rates generally, but to regulate a rate already fixed or originated by the roads, upon complaint and after investigation. A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it; and unless it is granted to the Commission there is little use in touching the subject at all.

Illegal transactions often occur under the forms of law. It has often occurred that a shipper has been told by a traffic officer to buy a large quantity of some commodity and then after it has been bought an open reduction is made in the rate to take effect immediately, the arrangement resulting to the profit of the one shipper and the one railroad and to the damage of all their competitors; for it must not be forgotten that the big shippers are at least as much to blame as any railroad in the matter of rebates. The law should make it clear so that nobody can fail to understand that any kind of commission paid on freight shipments, whether in this form or in the form of fictitious damages, or of a concession, a free pass, reduced passenger rate, or payment of brokerage, is illegal. It is worth while considering whether it would not be wise to confer on the Government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate; this would help stop what is really blackmail. Elevator allowance should be stopped, for they have now grown to such an extent that they are demoralizing and are used as rebates.

The best possible regulation of rates would, of course, be that

regulation secured by an honest agreement among the railroads themselves to carry out the law. Such a general agreement would, for instance, at once put a stop to the efforts of any one big shipper or big railroad to discriminate against, or secure advantages over, some rival; and such agreement would make the railroads themselves agents for enforcing the law. The power vested in the Government to put a stop to agreements to the detriment of the public should, in my judgment, be accompanied by power to permit, under specified conditions and careful supervision, agreements clearly in the interest of the public. But, in my judgment, the necessity for giving this further power is by no means as great as the necessity for giving the Commission or administrative body the other powers I have enumerated above; and it may well be inadvisable to attempt to vest this particular power in the Commission or other administrative body until it already possesses and is exercising what I regard as by far the most important of all the powers I recommend—as indeed the vitally important power—that to fix a given maximum rate, which rate, after the lapse of a reasonable time, goes into full effect, subject to review by the Courts.

All private-car lines, industrial roads, refrigerator charges, and the like should be expressly put under the supervision of the Inter-State Commerce Commission or some similar body so far as rates, and agreements practically affecting rates are concerned. The private-car owners and the owners of industrial railroads are entitled to a fair and reasonable compensation on their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates. A rebate in icing charges, or in mileage, or in a division of the rate for refrigerating charges, is just as pernicious as a rebate in any other way. No lower rate should apply on goods imported than actually obtains on domestic goods from the American seaboard to destination except in cases where water competition is the controlling influence. There should be publicity of the accounts of common carriers; no common carrier engaged in inter-State business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the Government. Only in this way can violations or evasions of the law be surely detected. A system of examination of railroad accounts should be provided similar to that now conducted into the national banks by the bank examiners; a few first-class railroad accountants, if they had proper direction and proper authority to inspect books and papers, could accomplish much in preventing wilful violations of the law. It would not be necessary for them to examine into the accounts of any railroad unless for good reasons they were directed to do so by the Inter-State Commerce Commission. It is

greatly to be desired that some way might be found by which an agreement as to transportation within a State intended to operate as a fraud upon the Federal inter-State commerce laws could be brought under the jurisdiction of the Federal authorities. At present it occurs that large shipments of inter-State traffic are controlled by concessions on purely State business, which of course amounts to an evasion of the law. The Commission should have power to enforce fair treatment by the great trunk lines of lateral and branch lines.

I urge upon the Congress the need of providing for expeditious action by the Inter-State Commerce Commission in all these matters, whether in regulating rates for transportation or for storing or for handling property or commodities in transit. The history of the cases litigated under the present Commerce Act shows that its efficacy has been to a great degree destroyed by the weapon of delay, almost the most formidable weapon in the hands of those whose purpose it is to violate the law.

Let me most earnestly say that these recommendations are not made in any spirit of hostility to the railroads. On ethical grounds, on grounds of right, such hostility would be intolerable; and on grounds of mere national self-interest we must remember that such hostility would tell against the welfare not merely of some few rich men, but of a multitude of small investors; a multitude of railway employés, wage-workers; and most severely against the interest of the public as a whole. I believe that on the whole our railroads have done well and not ill; but the railroad men who wish to do well should not be exposed to competition with those who have no such desire, and the only way to secure this end is to give to some Government Tribunal the power to see that justice is done by the unwilling exactly as it is gladly done by the willing. Moreover, if some Government body is given increased power the effect will be to furnish authoritative answer on behalf of the railroad whenever irrational clamour against it is raised, or whenever charges made against it are disapproved. I ask this legislation not only in the interest of the public but in the interest of the honest railroad man and the honest shipper alike, for it is they who are chiefly jeopardized by the practices of their dishonest competitors. This legislation should be enacted in a spirit as remote as possible from hysteria and rancour. If we of the American body politic are true to the traditions we have inherited we shall always scorn any effort to make us hate any man because he is rich, just as much as we should scorn any effort to make us look down upon or treat contemptuously any man because he is poor. We judge a man by his conduct—that is, by his character—and not by his wealth or intellect. If he makes his fortune honestly, there is no just cause of quarrel with

him. Indeed, we have nothing but the kindest feelings of admiration for the successful business man who behaves decently, whether he has made his success by building or managing a railroad or by shipping goods over that railroad. The big railroad men and big shippers are simply Americans of the ordinary type who have developed to an extraordinary degree certain great business qualities. They are neither better nor worse than their fellow-citizens of smaller means. They are merely more able in certain lines, and therefore exposed to certain peculiarly strong temptations. These temptations have not sprung newly into being: the exceptionally successful among mankind have always been exposed to them; but they have grown amazingly in power as a result of the extraordinary development of industrialism along new lines, and under these new conditions, which the lawmakers of old could not foresee and therefore could not provide against, they have become so serious and menacing as to demand entirely new remedies. It is in the interest of the best type of railroad man and the best type of shipper no less than of the public that there should be governmental supervision and regulation of these great business operations, for the same reason that it is in the interest of the corporation which wishes to treat its employees aright that there should be an effective Employers' Liability Act, or an effective system of factory laws to prevent the abuse of women and children. All such legislation frees the corporation that wishes to do well from being driven into doing ill, in order to compete with its rival which prefers to do ill. We desire to set up a moral standard. There can be no delusion more fatal to the nation than the delusion that the standard of profits, of business prosperity, is sufficient in judging any business or political question—from rate legislation to municipal government. Business success, whether for the individual or for the nation, is a good thing only so far as it is accompanied by and develops a high standard of conduct—honour, integrity, civic courage. The kind of business prosperity that blunts the standard of honour, that puts an inordinate value on mere wealth, that makes a man ruthless and conscienceless in trade and weak and cowardly in citizenship, is not a good thing at all, but a very bad thing for the nation. This Government stands for manhood first and for business only as an adjunct of manhood.

The question of transportation lies at the root of all industrial success, and the revolution in transportation which has taken place during the last half century has been the most important factor in the growth of the new industrial conditions. Most emphatically we do not wish to see the man of great talents refused the reward for his talents. Still less do we wish to see him penalized; but we do desire to see the system of railroad transportation so handled that the strong man shall be given no advantage over the weak man.

We wish to insure as fair treatment for the small town as for the big city; for the small shipper as for the big shipper. In the old days the highway of commerce, whether by water or by road on land, was open to all; it belonged to the public, and the traffic along it was free. At present the railway is this highway, and we must do our best to see that it is kept open to all on equal terms. Unlike the old highway it is a very difficult and complex thing to manage, and it is far better that it should be managed by private individuals than by the Government. But it can only be so managed on condition that justice is done the public. It is because, in my judgment, public ownership of railroads is highly undesirable and would probably in this country entail far-reaching disaster, that I wish to see such supervision and regulation of them in the interest of the public as will make it evident that there is no need for public ownership. The opponents of Government regulation dwell upon the difficulties to be encountered and the intricate and involved nature of the problem. Their contention is true. It is a complicated and delicate problem, and all kinds of difficulties are sure to arise in connection with any plan of solution, while no plan will bring all the benefits hoped for by its more optimistic adherents. Moreover, under any healthy plan, the benefits will develop gradually and not rapidly. Finally, we must clearly understand that the public servants who are to do this peculiarly responsible and delicate work must themselves be of the highest type both as regards integrity and efficiency. They must be well paid, for otherwise able men cannot in the long run be secured; and they must possess a lofty probity which will revolt as quickly at the thought of pandering to any gust of popular prejudice against rich men as at the thought of anything even remotely resembling subserviency to rich men. But while I fully admit of the difficulties in the way, I do not for a moment admit that these difficulties warrant us in stopping in our effort to secure a wise and just system. They should have no other effect than to spur us on to the exercise of the resolution, the even-handed justice, and the fertility of resource, which we like to think of as typically American, and which will in the end achieve good results in this as in other fields of activity. The task is a great one, and underlies the task of dealing with the whole industrial problem. But the fact that it is a great problem does not warrant us in shrinking from the attempt to solve it. At present we face such utter lack of supervision, such freedom from the restraints of law, that excellent men have often been literally forced into doing what they deplored because otherwise they were left at the mercy of unscrupulous competitors. To rail at and assail the men who have done as they best could under such conditions accomplishes little. What we need to do is to develop an orderly

system; and such a system can only come through the gradually increased exercise of the right of efficient Government control.

In my Annual Message to the Fifty-eighth Congress, at its third Session, I called attention to the necessity for legislation requiring the use of block signals upon railroads engaged in inter-State commerce. The number of serious collisions upon unblocked roads that have occurred within the past year adds force to the recommendation then made. The Congress should provide, by appropriate legislation, for the introduction of block signals upon all railroads engaged in inter-State commerce at the earliest practicable date, as a measure of increased safety to the travelling public.

Through decisions of the Supreme Court of the United States and the lower Federal Courts in cases brought before them for adjudication the safety-appliance law has been materially strengthened, and the Government has been enabled to secure its effective enforcement in almost all cases, with the result that the condition of railroad equipment throughout the country is much improved and railway employes perform their duties under safer conditions than heretofore. The Government's most effective aid in arriving at this result has been its inspection service, and that these improved conditions are not more general is due to the insufficient number of inspectors employed. The inspection service has fully demonstrated its usefulness, and in appropriating for its maintenance the Congress should make provision for an increase in the number of inspectors.

The excessive hours of labour to which railroad employes in train service are in many cases subjected is also a matter which may well engage the serious attention of the Congress. The strain, both mental and physical, upon those who are engaged in the movement and operation of railroad trains under modern conditions is perhaps greater than that which exists in any other industry; and if there are any reasons for limiting by law the hours of labour in any employment, they certainly apply with peculiar force to the employment of those upon whose vigilance and alertness in the performance of their duties the safety of all who travel by rail depends.

In my Annual Message to the Fifty-seventh Congress, at its second Session, I recommended the passage of an employers' liability law for the District of Columbia and in our navy yards. I renewed that recommendation in my Message to the Fifty-eighth Congress, at its second Session, and further suggested the appointment of a Commission to make a comprehensive study of employers' liability, with a view to the enactment of a wise and constitutional law covering the subject, applicable to all industries within the scope of the Federal power. I hope that such a law will be prepared and enacted as speedily as possible.

The National Government has, as a rule, but little occasion to deal with the formidable group of problems connected more or less directly with what is known as the labour question, for in the great majority of cases these problems must be dealt with by the State and municipal authorities and not by the National Government. The National Government has control of the District of Columbia, however, and it should see to it that the city of Washington is made a model city in all respects, both as regards parks, public playgrounds, proper regulation of the system of housing so as to do away with the evils of alley tenements, a proper system of education, a proper system of dealing with truancy and juvenile offenders, a proper handling of the charitable work of the District. Moreover, there should be proper factory laws to prevent all abuses in the employment of women and children in the District. These will be useful chiefly as object lessons, but even this limited amount of usefulness would be of real national value.

There has been demand for depriving Courts of the power to issue injunctions in labour disputes. Such special limitation of the equity powers of our Courts would be most unwise. It is true that some Judges have misused this power, but this does not justify a denial of the power any more than an improper exercise of the power to call a strike by a labour leader would justify the denial of the right to strike. The remedy is to regulate the procedure by requiring the Judge to give due notice to the adverse parties before granting the writ, the hearing to be *ex parte* if the adverse party does not appear at the time and place ordered. What is due notice must depend upon the facts of the case; it should not be used as a pretext to permit violation of law, or the jeopardizing of life or property. Of course, this would not authorize the issuing of a restraining order or injunction in any case in which it is not already authorized by existing law.

I renew the recommendation I made in my last Annual Message for an investigation by the Department of Commerce and Labour of general labour conditions, especial attention to be paid to the conditions of child labour and child-labour legislation in the several States. Such an investigation should take into account the various problems with which the question of child labour is connected. It is true that these problems can be actually met in most cases only by the States themselves, but it would be well for the nation to endeavour to secure and publish comprehensive information as to the conditions of the labour of children in the different States, so as to spur up those that are behindhand, and to secure approximately uniform legislation of a high character among the several States. In such a Republic as ours the one thing that we cannot afford to neglect is the problem of turning out decent citizens. The future

of the nation depends upon the citizenship of the generations to come; the children of to-day are those who to-morrow will shape the destiny of our land, and we cannot afford to neglect them. The Legislature of Colorado has recommended that the National Government provide some general measure for the protection from abuse of children and dumb animals throughout the United States. I lay the matter before you for what I trust will be your favourable consideration.

The Department of Commerce and Labour should also make a thorough investigation of the conditions of women in industry. Over five million American women are now engaged in gainful occupations; yet there is an almost complete dearth of data upon which to base any trustworthy conclusions as regards a subject as important as it is vast and complicated. There is need of full knowledge on which to base action looking toward State and municipal legislation for the protection of working women. The introduction of women into industry is working change and disturbance in the domestic and social life of the nation. The decrease in marriage, and especially in the birth rate, has been coincident with it. We must face accomplished facts, and the adjustment to factory conditions must be made; but surely it can be made with less friction and less harmful effects on family life than is now the case. This whole matter in reality forms one of the greatest sociological phenomena of our time; it is a social question of the first importance, of far greater importance than any merely political or economic question can be; and to solve it we need ample data, gathered in a sane and scientific spirit in the course of an exhaustive investigation.

In any great labour disturbance, not only are employer and employé interested, but also a third party—the general public. Every considerable labour difficulty in which inter-State commerce is involved should be investigated by the Government and the facts officially reported to the public.

The question of securing a healthy, self-respecting, and mutually sympathetic attitude as between employer and employé, capitalist and wage worker, is a difficult one. All phases of the labour problem prove difficult when approached. But the underlying principles, the root principles, in accordance with which the problem must be solved are entirely simple. We can get justice and right dealing only if we put as of paramount importance the principle of treating a man on his worth as a man rather than with reference to his social position, his occupation, or the class to which he belongs. There are selfish and brutal men in all ranks of life. If they are capitalists their selfishness and brutality may take the form of hard indifference to suffering, greedy disregard of every moral restraint

which interferes with the accumulation of wealth, and cold-blooded exploitation of the weak; or, if they are labourers, the form of laziness, of sullen envy of the more fortunate, and of willingness to perform deeds of murderous violence. Such conduct is just as reprehensible in one case as in the other, and all honest and far-seeing men should join in warring against it wherever it becomes manifest. Individual capitalist and individual wage-worker, corporation and union, are alike entitled to the protection of the law, and must alike obey the law. Moreover, in addition to mere obedience to the law, each man, if he be really a good citizen, must show broad sympathy for his neighbour and genuine desire to look at any question arising between them from the standpoint of that neighbour no less than from his own; and to this end it is essential that capitalist and wage-worker should consult freely one with the other, should each strive to bring closer the day when both shall realize that they are properly partners and not enemies. To approach the questions which inevitably arise between them solely from the standpoint which treats each side in the mass as the enemy of the other side in the mass is both wicked and foolish. In the past the most direful among the influences which have brought about the downfall of Republics has ever been the growth of the class spirit, the growth of the spirit which tends to make a man subordinate the welfare of the public as a whole to the welfare of the particular class to which he belongs, the substitution of loyalty to a class for loyalty to the nation. This inevitably brings about a tendency to treat each man not on his merits as an individual, but on his position as belonging to a certain class in the community. If such a spirit grows up in this Republic it will ultimately prove fatal to us, as in the past it has proved fatal to every community in which it has become dominant. Unless we continue to keep a quick and lively sense of the great fundamental truth that our concern is with the individual worth of the individual man, this Government cannot permanently hold the place which it has achieved among the nations. The vital lines of cleavage among our people do not correspond, and indeed run at right angles to, the lines of cleavage which divide occupation from occupation, which divide wage-workers from capitalists, farmers from bankers, men of small means from men of large means, men who live in the towns from men who live in the country; for the vital line of cleavage is the line which divides the honest man who tries to do well by his neighbour from the dishonest man who does ill by his neighbour. In other words, the standard we should establish is the standard of conduct, not the standard of occupation, of means, or of social position. It is the man's moral quality, his attitude toward the great questions which concern all humanity, his cleanliness of life, his power to do his duty toward himself and

toward others which really count; and if we substitute for the standard of personal judgment which treats each man according to his merits, another standard in accordance with which all men of one class are favoured and all men of another class discriminated against, we shall do irreparable damage to the body politic. I believe that our people are too sane, too self-respecting, too fit for self-government, ever to adopt such an attitude. This Government is not and never shall be government by a plutocracy. This Government is not and never shall be government by a mob. It shall continue to be in the future what it has been in the past, a Government based on the theory that each man, rich or poor, is to be treated simply and solely on his worth as a man, that all his personal and property rights are to be safeguarded, and that he is neither to wrong others nor to suffer wrong from others.

The noblest of all forms of government is self-government, but it is also the most difficult. We who possess this priceless boon, and who desire to hand it on to our children and our children's children, should ever bear in mind the thought so finely expressed by Burke: "Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites; in proportion as they are disposed to listen to the counsels of the wise and good in preference to the flattery of knaves. Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there be within the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

The great Insurance Companies afford striking examples of corporations whose business has extended so far beyond the jurisdiction of the States which created them as to preclude strict enforcement of supervision and regulation by the parent States. In my last Annual Message I recommended "that the Congress carefully consider whether the power of the Bureau of Corporations cannot constitutionally be extended to cover inter-State transactions in insurance." Recent events have emphasized the importance of an early and exhaustive consideration of this question, to see whether it is not possible to furnish better safeguards than the several States have been able to furnish against corruption of the flagrant kind which has been exposed. It has been only too clearly shown that certain of the men at the head of these large corporations take but small note of the ethical distinction between honesty and dishonesty; they draw the line only this side of what may be called law-honesty, the kind of honesty necessary in order to avoid falling into the clutches of the law. Of course, the only complete remedy for this condition must be found in an aroused public conscience, a higher sense of ethical conduct in the community at large, and especially

among business men and in the great profession of the law, and in the growth of a spirit which condemns all dishonesty, whether in rich man or in poor man, whether it takes the shape of bribery or of blackmail. But much can be done by legislation which is not only drastic but practical. There is need of a far stricter and more uniform regulation of the vast insurance interests of this country. The United States should in this respect follow the policy of other nations by providing adequate national supervision of commercial interests which are clearly national in character. My predecessors have repeatedly recognized that the foreign business of these companies is an important part of our foreign commercial relations. During the Administrations of Presidents Cleveland, Harrison, and McKinley the State Department exercised its influence, through diplomatic channels, to prevent unjust discrimination by foreign countries against American Insurance Companies. These negotiations illustrated the propriety of the Congress recognizing the national character of insurance, for in the absence of Federal legislation the State Department could only give expression to the wishes of the authorities of the several States, whose policy was ineffective through want of uniformity.

I repeat my previous recommendation that the Congress should also consider whether the Federal Government has any power or owes any duty with respect to domestic transactions in insurance of an inter-State character. That State supervision has proved inadequate is generally conceded. The burden upon Insurance Companies, and therefore their policy-holders, of conflicting regulations of many States is unquestioned, while but little effective check is imposed upon any able and unscrupulous man who desires to exploit the Company in his own interest at the expense of the policy holders and of the public. The inability of a State to regulate effectively Insurance Corporations created under the laws of other States and transacting the larger part of their business elsewhere is also clear. As a remedy for this evil of conflicting, ineffective, and yet burdensome regulations, there has been for many years a widespread demand for Federal supervision. The Congress has already recognized that inter-State insurance may be a proper subject for Federal legislation, for, in creating the Bureau of Corporations, it authorized it to publish and supply useful information concerning inter-State Corporations, "including Corporations engaged in insurance." It is obvious that if the compilation of statistics be the limit of the Federal power, it is wholly ineffective to regulate this form of commercial intercourse between the States; and as the insurance business has outgrown in magnitude the possibility of adequate State supervision, the Congress should carefully consider whether further legislation can be had. What is said above

applies with equal force to fraternal and benevolent organizations which contract for life insurance.

There is more need of stability than of the attempt to attain an ideal perfection in the methods of raising revenue; and the shock and strain to the business world certain to attend any serious change in these methods render such change inadvisable unless for grave reason. It is not possible to lay down any general rule by which to determine the moment when the reasons for will outweigh the reasons against such a change. Much must depend, not merely on the needs, but on the desires of the people as a whole; for needs and desires are not necessarily identical. Of course, no change can be made on lines beneficial to, or desired by, one section or one State only. There must be something like a general agreement among the citizens of the several States, as represented in the Congress, that the change is needed and desired in the interest of the people as a whole; and there should then be a sincere, intelligent, and disinterested effort to make it in such shape as will combine, so far as possible, the maximum of good to the people at large with the minimum of necessary disregard for the special interests of localities or classes. But in time of peace the revenue must on the average, taking a series of years together, equal the expenditures or else the revenues must be increased. Last year there was a deficit. Unless our expenditures can be kept within the revenues, then our revenue laws must be readjusted. It is as yet too early to attempt to outline what shape such a readjustment should take, for it is as yet too early to say whether there will be need for it. It should be considered whether it is not desirable that the Tariff laws should provide for applying, as against or in favour of any other nation, maximum and minimum Tariff rates established by the Congress, so as to secure a certain reciprocity of treatment between other nations and ourselves. Having in view even larger considerations of policy than those of a purely economic nature, it would, in my judgment, be well to endeavour to bring about closer commercial connections with the other peoples of this continent. I am happy to be able to announce to you that Russia now treats us on the most-favoured-nation basis.

I earnestly recommend to the Congress the need of economy, and to this end of a rigid scrutiny of appropriations. As examples merely, I call your attention to one or two specific matters. All unnecessary offices should be abolished. The Commissioner of the General Land Office recommends the abolishment of the office of Receiver of Public Moneys for United States' Land Offices. This will effect a saving of about a quarter of a million dollars a year. As the business of the nation grows it is inevitable that there should be from time to time a legitimate increase in the number of

officials, and this fact renders it all the more important that when offices become unnecessary they should be abolished. In the public printing also a large saving of public money can be made. There is a constantly growing tendency to publish masses of unimportant information. It is probably not unfair to say that many tens of thousands of volumes are published at which no human being ever looks and for which there is no real demand whatever.

Yet, in speaking of economy, I must in no wise be understood as advocating the false economy which is in the end the worst extravagance. To cut down on the navy, for instance, would be a crime against the nation. To fail to push forward all work on the Panamá Canal would be as great a folly.

In my Message of the 2nd December, 1902, to the Congress I said :—

“Interest rates are a potent factor in business activity, and in order that these rates may be equalized to meet the varying needs of the seasons and of widely separated communities, and to prevent the recurrence of financial stringencies which injuriously affect legitimate business, it is necessary that there should be an element of elasticity in our monetary system. Banks are the natural servants of commerce, and upon them should be placed, as far as practicable, the burden of furnishing and maintaining a circulation adequate to supply the needs of our diversified industries and of our domestic and foreign commerce ; and the issue of this should be so regulated that a sufficient supply should be always available for the business interests of the country.”

Every consideration of prudence demands the addition of the element of elasticity to our currency system. The evil does not consist in an inadequate volume of money, but in the rigidity of this volume, which does not respond as it should to the varying needs of communities and of seasons. Inflation must be avoided, but some provision should be made that will insure a larger volume of money during the fall and winter months than in the less active seasons of the year, so that the currency will contract against speculation, and will expand for the needs of legitimate business. At present the Treasury Department is at irregularly recurring intervals obliged, in the interest of the business world—that is, in the interests of the American public—to try to avert financial crises by providing a remedy which should be provided by Congressional action.

At various times I have instituted investigations into the organization and conduct of the business of the Executive Departments. While none of these inquiries have yet progressed far enough to warrant final conclusions, they have already confirmed and emphasized the general impression that the organization of the Departments is often faulty in principle and wasteful in results, while

many of their business methods are antiquated and inefficient. There is every reason why our executive governmental machinery should be at least as well planned, economical, and efficient as the best machinery of the great business organizations, which at present is not the case. To make it so is a task of complex detail and essentially executive in its nature; probably no legislative body, no matter how wise and able, could undertake it with reasonable prospect of success. I recommend that the Congress consider this subject with a view to provide by legislation for the transfer, distribution, consolidation, and assignment of duties and executive organizations or parts of organizations, and for the changes in business methods, within or between the several Departments, that will best promote the economy, efficiency, and high character of the Government work.

In my last Annual Message I said:

“The power of the Government to protect the integrity of the elections of its own officials is inherent, and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in Federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector; and provisions for the publication, not only of the expenditures for nominations and elections of all candidates, but also of all contributions received and expenditures made by political Committees.”

I desire to repeat this recommendation. In political campaigns in a country as large and populous as ours it is inevitable that there should be much expense of an entirely legitimate kind. This, of course, means that many contributions, and some of them of large size, must be made, and, as a matter of fact, in any big political contest such contributions are always made to both sides. It is entirely proper both to give and receive them, unless there is an improper motive connected with either gift or reception. If they are extorted by any kind of pressure or promise, express or implied, direct or indirect, in the way of favour or immunity, then the giving or receiving becomes not only improper but criminal. It will undoubtedly be difficult as a matter of practical detail to shape an Act which shall guard with reasonable certainty against such misconduct; but if it is possible to secure by law the full and verified

publication in detail of all the sums contributed to and expended by the candidates or committees of any political parties, the result cannot but be wholesome. All contributions by corporations to any political committee or for any political purpose should be forbidden by law ; directors should not be permitted to use stockholders' money for such purposes, and, moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at in Corrupt Practices Acts. Not only should both the National and the several State Legislatures forbid any officer of a corporation from using the money of the corporation in or about any election, but they should also forbid such use of money in connection with any legislation save by the employment of counsel in public manner for distinctly legal services.

The first Conference of Nations held at The Hague in 1899, being unable to dispose of all the business before it, recommended the consideration and settlement of a number of important questions by another Conference to be called subsequently and at an early date. These questions were the following: (1) The rights and duties of neutrals; (2) the limitation of the armed forces on land and sea, and of military budgets; (3) the use of new types and calibres of military and naval guns; (4) the inviolability of private property at sea in times of war; (5) the bombardment of ports, cities, and villages by naval forces. In October 1904,* at the instance of the Interparliamentary Union, which, at a Conference held in the United States and attended by the lawmakers of fifteen different nations, had reiterated the demand for a second Conference of Nations, I issued invitations to all the Powers signatory to The Hague Convention to send Delegates to such a Conference, and suggested that it be again held at The Hague. In its note of the 16th December, 1904,† the United States' Government communicated to the representatives of foreign Governments its belief that the Conference could be best arranged under the provisions of the present Hague Treaty.

From all the Powers acceptance was received, coupled in some cases with the condition that we should wait until the end of the war then waging between Russia and Japan. The Emperor of Russia, immediately after the Treaty of Peace which so happily terminated this war, in a note presented to the President on the 13th September, through Ambassador Rosen, took the initiative in recommending that the Conference be now called. The United States' Government in response expressed its cordial acquiescence and stated that it would, as a matter of course, take part in the new Conference and endeavour to further its aims. We assume that all civilized Governments will support the movement, and that the

* Page 904.

† Page 908.

Conference is now an assured fact. This Government will do everything in its power to secure the success of the Conference to the end that substantial progress may be made in the cause of international peace, justice, and good will.

This renders it proper at this time to say something as to the general attitude of this Government towards peace. More and more war is coming to be looked upon as in itself a lamentable and evil thing. A wanton or useless war, or a war of mere aggression—in short, any war begun or carried on in a conscienceless spirit, is to be condemned as a peculiarly atrocious crime against all humanity. We can, however, do nothing of permanent value for peace unless we keep ever clearly in mind the ethical element which lies at the root of the problem. Our aim is righteousness. Peace is normally the handmaiden of righteousness; but when peace and righteousness conflict then a great and upright people can never for a moment hesitate to follow the path which leads towards righteousness even though that path also leads to war. There are persons who advocate peace at any price; there are others who, following a false analogy, think that because it is no longer necessary in civilized countries for individuals to protect their rights with a strong hand, it is therefore unnecessary for nations to be ready to defend their rights. These persons would do irreparable harm to any nation that adopted their principles, and even as it is they seriously hamper the cause which they advocate by tending to render it absurd in the eyes of sensible and patriotic men. There can be no worse foe of mankind in general, and of his own country in particular, than the demagogue of war, the man who in mere folly or to serve his own selfish ends continually rails at and abuses other nations, who seek to excite his countrymen against foreigners on insufficient pretexts, who excites and inflames a perverse and aggressive national vanity, and who may on occasions wantonly bring on conflict between his nation and some other nation. But there are demagogues of peace just as there are demagogues of war, and in any such movement as this for The Hague Conference it is essential not to be misled by one set of extremists any more than by the other. Whenever it is possible for a nation or an individual to work for real peace, assuredly it is failure of duty not so to strive; but if war is necessary and righteous then either the man or the nation shrinking from it forfeits all title to self-respect. We have scant sympathy with the sentimentalist who dreads oppression less than physical suffering, who would prefer a shameful peace to the pain and toil sometimes lamentably necessary in order to secure a righteous peace. As yet there is only a partial and imperfect analogy between international law and internal or municipal law, because there is no sanction of

force for executing the former while there is in the case of the latter. The private citizen is protected in his rights by the law, because the law rests in the last resort upon force exercised through the forms of law. A man does not have to defend his rights with his own hand, because he can call upon the police, upon the sheriff's posse, upon the militia, or in certain extreme cases upon the army, to defend him. But there is no such sanction of force for international law. At present there could be no greater calamity than for the free peoples, the enlightened, independent, and peace-loving peoples, to disarm while yet leaving it open to any barbarism or despotism to remain armed. So long as the world is as unorganized as now, the armies and navies of those peoples who on the whole stand for justice, offer not only the best, but the only possible, security for a just peace. For instance, if the United States alone, or in company only with the other nations that on the whole tend to act justly, disarmed, we might sometimes avoid bloodshed, but we would cease to be of weight in securing the peace of justice—the real peace for which the most law-abiding and high-minded men must at times be willing to fight. As the world is now, only that nation is equipped for peace that knows how to fight and that will not shrink from fighting if ever the conditions become such that war is demanded in the name of the highest morality.

So much it is emphatically necessary to say in order both that the position of the United States may not be misunderstood, and that a genuine effort to bring nearer the day of the peace of justice among the nations may not be hampered by a folly which, in striving to achieve the impossible, would render it hopeless to attempt the achievement of the practical. But while recognizing most clearly all above set forth, it remains our clear duty to strive in every practicable way to bring nearer the time when the sword shall not be the arbiter among nations. At present the practical thing to do is to try to minimize the number of cases in which it must be the arbiter, and to offer, at least to all civilized Powers, some substitute for war which will be available in at least a considerable number of instances. Very much can be done through another Hague Conference in this direction, and I most earnestly urge that this nation do all in its power to try to further the movement and to make the result of the decisions of The Hague Conference effective. I earnestly hope that the Conference may be able to devise some way to make arbitration between nations the customary way of settling international disputes in all save a few classes of cases, which should themselves be as sharply defined and rigidly limited as the present governmental and social development of the world will permit. If possible, there should be a general Arbitration Treaty negotiated among all the nations represented at the Conference.

Neutral rights and property should be protected at sea as they are protected on land. There should be an international agreement to this purpose, and a similar agreement defining contraband of war.

During the last century there has been a distinct diminution in the number of wars between the most civilized nations. International relations have become closer, and the development of The Hague Tribunal is not only a symptom of this growing closeness of relationship, but is a means by which the growth can be furthered. Our aim should be from time to time to take such steps as may be possible towards creating something like an organization of the civilized nations, because as the world becomes more highly organized the need for navies and armies will diminish. It is not possible to secure anything like an immediate disarmament, because it would first be necessary to settle what peoples are on the whole a menace to the rest of mankind, and to provide against the disarmament of the rest being turned into a movement which would really chiefly benefit these obnoxious peoples; but it may be possible to exercise some check upon the tendency to swell indefinitely the budgets for military expenditure. Of course such an effort could succeed only if it did not attempt to do too much, and if it were undertaken in a spirit of sanity as far removed as possible from a merely hysterical pseudo-philanthropy. It is worth while pointing out that since the end of the insurrection in the Philippines this nation has shown its practical faith in the policy of disarmament by reducing its little army one-third. But disarmament can never be of prime importance; there is more need to get rid of the causes of war than of the implements of war.

I have dwelt much on the dangers to be avoided by steering clear of any mere foolish sentimentality because my wish for peace is so genuine and earnest; because I have a real and great desire that this Second Hague Conference may mark a long stride forward in the direction of securing the peace of justice throughout the world. No object is better worthy the attention of enlightened statesmanship than the establishment of a surer method than now exists of securing justice as between nations, both for the protection of the little nations and for the prevention of war between the big nations. To this aim we should endeavour not only to avert bloodshed, but, above all, effectively to strengthen the forces of right. The golden rule should be, and as the world grows in morality it will be, the guiding rule of conduct among nations as among individuals; though the golden rule must not be construed, in fantastic manner, as forbidding the exercise of the police power. This mighty and free Republic should ever deal with all other States, great or small, on a basis of high honour, respecting their rights as jealously as it safeguards its own.

One of the most effective instruments for peace is the Monroe doctrine, as it has been and is being gradually developed by this nation and accepted by other nations. No other policy could have been as efficient in promoting peace in the Western Hemisphere, and in giving to each nation thereon the chance to develop along its own lines. If we had refused to apply the doctrine to changing conditions, it would now be completely outworn, would not meet any of the needs of the present day, and, indeed, would probably by this time have sunk into complete oblivion. It is useful at home, and is meeting with recognition abroad, because we have adapted our application of it to meet the growing and changing needs of the hemisphere. When we announce a policy such as the Monroe doctrine, we thereby commit ourselves to the consequences of the policy, and those consequences from time to time alter. It is out of the question to claim a right, and yet shirk the responsibility for its exercise. Not only we, but all American Republics who are benefited by the existence of the doctrine, must recognize the obligations each nation is under as regards foreign peoples no less than its duty to insist upon its own rights.

That our rights and interests are deeply concerned in the maintenance of the doctrine is so clear as hardly to need argument. This is especially true in view of the construction of the Panamá Canal. As a mere matter of self-defence we must exercise a close watch over the approaches to this canal, and this means that we must be thoroughly alive to our interests in the Caribbean Sea.

There are certain essential points which must never be forgotten as regards the Monroe doctrine. In the first place we must, as a nation, make it evident that we do not intend to treat it in any shape or way as an excuse for aggrandizement on our part at the expense of the Republics to the south. We must recognize the fact that in some South American countries there has been much suspicion lest we should interpret the Monroe doctrine as in some way inimical to their interests, and we must try to convince all the other nations of this continent once and for all that no just and orderly Government has anything to fear from us. There are certain Republics to the south of us which have already reached such a point of stability, order, and prosperity that they themselves, though as yet hardly consciously, are among the guarantors of this doctrine. These Republics we now meet not only on a basis of entire equality, but in a spirit of frank and respectful friendship which we hope is mutual. If all of the Republics to the south of us will only grow as those to which I allude have already grown, all need for us to be the especial champions of the doctrine will disappear, for no stable and growing American Republic wishes to

see some great non-American military Power acquire territory in its neighbourhood. All that this country desires is that the other Republics on this continent shall be happy and prosperous, and they cannot be happy and prosperous unless they maintain order within their boundaries, and behave with a just regard for their obligations toward outsiders. It must be understood that under no circumstances will the United States use the Monroe doctrine as a cloak for territorial aggression. We desire peace with all the world, but perhaps most of all with the other peoples of the American Continent. There are, of course, limits to the wrongs which any self-respecting nation can endure. It is always possible that wrong actions toward this nation, or toward citizens of this nation, in some State unable to keep order among its own people, unable to secure justice from outsiders, and unwilling to do justice to those outsiders who treat it well, may result in our having to take action to protect our rights; but such action will not be taken with a view to territorial aggression, and it will be taken at all only with extreme reluctance, and when it has become evident that every other resource has been exhausted.

Moreover, we must make it evident that we do not intend to permit the Monroe doctrine to be used by any nation on this continent as a shield to protect it from the consequences of its own misdeeds against foreign nations. If a Republic to the south of us commits a tort against a foreign nation, such as an outrage against a citizen of that nation, then the Monroe doctrine does not force us to interfere to prevent punishment of the tort, save to see that the punishment does not assume the form of territorial occupation in any shape. The case is more difficult when it refers to a contractual obligation. Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign Governments would take the same view; but they do not, and in consequence we are liable at any time to be brought face to face with disagreeable alternatives. On the one hand, this country would certainly decline to go to war to prevent a foreign Government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign Power to take possession, even temporarily, of the custom-houses of an American Republic in order to enforce the payment of its obligations; for such temporary occupation might turn into a permanent occupation. The only escape from these alternatives may at any time be that we must ourselves undertake to bring about some arrangement by which so much as possible of a just obligation shall be paid. It is far better that this country should put through such an arrangement, rather than allow any foreign country to undertake it. To do so insures the defaulting

Republic from having to pay debts of an improper character under duress, while it also insures honest creditors of the Republic from being passed by in the interest of dishonest or grasping creditors. Moreover, for the United States to take such a position offers the only possible way of insuring us against a clash with some foreign Power. The position is, therefore, in the interest of peace as well as in the interest of justice. It is of benefit to our people, it is of benefit to foreign peoples, and most of all it is really of benefit to the people of the country concerned.

This brings me to what should be one of the fundamental objects of the Monroe doctrine. We must ourselves in good faith try to help upward toward peace and order those of our sister Republics which need such help. Just as there has been a gradual growth of the ethical element in the relations of one individual to another, so we are, even though slowly, more and more coming to recognize the duty of bearing one another's burdens, not only as among individuals, but also as among nations.

Santo Domingo, in her turn, has now made an appeal to us to help her, and not only every principle of wisdom but every generous instinct within us bids us respond to the appeal. It is not of the slightest consequence whether we grant the aid needed by Santo Domingo as an incident to the wise development of the Monroe doctrine, or because we regard the case of Santo Domingo as standing wholly by itself, and to be treated as such, and not on general principles or with any reference to the Monroe doctrine. The important point is to give the needed aid, and the case is certainly sufficiently peculiar to deserve to be judged purely on its own merits. The conditions in Santo Domingo have for a number of years grown from bad to worse, until a year ago all society was on the verge of dissolution. Fortunately, just at this time a Ruler sprang up in Santo Domingo, who, with his colleagues, saw the dangers threatening their country, and appealed to the friendship of the only great and powerful neighbour who possessed the power and, as they hoped, also the will to help them. There was imminent danger of foreign intervention. The previous Rulers of Santo Domingo had recklessly incurred debts, and, owing to her internal disorders, she had ceased to be able to provide means of paying the debts. The patience of her foreign creditors had become exhausted, and at least two foreign nations were on the point of intervention, and were only prevented from intervening by the unofficial assurance of this Government that it would itself strive to help Santo Domingo in her hour of need. In the case of one of these nations, only the actual opening of negotiations to this end by our Government prevented the seizure of territory in Santo Domingo by a European Power. Of the debts incurred,

some were just, while some were not of a character which really renders it obligatory on, or proper for, Santo Domingo to pay them in full. But she could not pay any of them unless some stability was assured her Government and people.

Accordingly, the Executive Department of our Government negotiated a Treaty under which we are to try to help the Dominican people to straighten out their finances. This Treaty is pending before the Senate. In the meantime a temporary Arrangement has been made, which will last until the Senate has had time to take action upon the Treaty. Under this Arrangement the Dominican Government has appointed Americans to all the important positions in the Customs Service, and they are seeing to the honest collection of the revenues, turning over 45 per cent. to the Government for running expenses, and putting the other 55 per cent. into a safe depository for equitable division, in case the Treaty shall be ratified, among the various creditors, whether European or American.

The custom-houses offer well nigh the only sources of revenue in Santo Domingo, and the different revolutions usually have as their real aim the obtaining possession of these custom-houses. The mere fact that the Collectors of Customs are Americans, that they are performing their duties with efficiency and honesty, and that the Treaty is pending in the Senate, gives a certain moral power to the Government of Santo Domingo which it has not had before. This has completely discouraged all revolutionary movement, while it has already produced such an increase in the revenues that the Government is actually getting more from the 45 per cent. than the American Collectors turn over to it than it got formerly when it took the entire revenue. It is enabling the poor harassed people of Santo Domingo once more to turn their attention to industry, and to be free from the curse of interminable revolutionary disturbance. It offers to all *bonâ fide* creditors, American and European, the only really good chance to obtain that to which they are justly entitled, while it, in return, gives to Santo Domingo the only opportunity of defence against claims which it ought not to pay, for now, if it meets the views of the Senate, we shall ourselves thoroughly examine all these claims, whether American or foreign, and see that none that are improper are paid. There is, of course, opposition to the Treaty from dishonest creditors, foreign and American, and from the professional revolutionists of the island itself. We have already reason to believe that some of the creditors who do not dare expose their claims to honest scrutiny are endeavouring to stir up sedition in the island, and opposition to the Treaty. In the meantime I have exercised the authority vested in me by the joint Resolution of the Congress to prevent

the introduction of arms into the island for revolutionary purposes.

Under the course taken stability and order and all the benefits of peace are at last coming to Santo Domingo, danger of foreign intervention has been suspended, and there is at last a prospect that all creditors will get justice, no more and no less. If the arrangement is terminated by the failure of the Treaty, chaos will follow; and if chaos follows, sooner or later this Government may be involved in serious difficulties with foreign Governments over the island, or else may be forced itself to intervene in the island in some unpleasant fashion. Under the proposed Treaty the independence of the island is scrupulously respected, the danger of violation of the Monroe doctrine by the intervention of foreign Powers vanishes, and the interference of our Government is minimized, so that we shall only act in conjunction with the Santo Domingo authorities to secure the proper administration of the customs, and therefore to secure the payment of just debts and to secure the Dominican Government against demands for unjust debts. The proposed method will give the people of Santo Domingo the same chance to move onward and upward which we have already given to the people of Cuba. It will be doubly to our discredit as a nation if we fail to take advantage of this chance, for it will be of damage to ourselves, and it will be of incalculable damage to Santo Domingo. Every consideration of wise policy, and, above all, every consideration of large generosity, bids us meet the request of Santo Domingo as we are now trying to meet it.

We cannot consider the question of our foreign policy without at the same time treating of the army and the navy. We now have a very small army—indeed, one well nigh infinitesimal when compared with the army of any other large nation. Of course the army we do have should be as nearly perfect of its kind and for its size as is possible. I do not believe that any army in the world has a better average of enlisted man or a better type of junior officer; but the army should be trained to act effectively in a mass. Provision should be made by sufficient appropriations for manœuvres of a practical kind, so that the troops may learn how to take care of themselves under actual service conditions, every march, for instance, being made with the soldier loaded exactly as he would be in an active campaign. The Generals and Colonels would thereby have opportunity of handling regiments, brigades, and divisions, and the commissary and medical departments would be tested in the field. Provision should be made for the exercise at least of a brigade and by preference of a division in marching and embarking at some point on our coast and disembarking at some other point and continuing its march. The number of posts in which the army is

kept in time of peace should be materially diminished and the posts that are left made correspondingly larger. No local interests should be allowed to stand in the way of assembling the greater part of the troops which would at need form our field armies in stations of such size as will permit the best training to be given to the personnel of all grades, including the high officers and staff officers. To accomplish this end we must have not company or regimental garrisons, but brigade and division garrisons. Promotion by mere seniority can never result in a thoroughly efficient corps of officers in the higher ranks unless there accompanies it a vigorous weeding-out process. Such a weeding-out process—that is, such a process of selection—is a chief feature of the four years' course of the young officer at West Point. There is no good reason why it should stop immediately upon his graduation. While at West Point he is dropped unless he comes up to a certain standard of excellence, and when he graduates he takes rank in the army according to his rank of graduation. The results are good at West Point; and there should be in the army itself something that will achieve the same end. After a certain age has been reached the average officer is unfit to do good work below a certain grade. Provision should be made for the promotion of exceptionally meritorious men over the heads of their comrades, and for the retirement of all men who have reached a given age without getting beyond a given rank—this age of retirement, of course, changing from rank to rank. In both the army and the navy there should be some principle of selection, that is, of promotion for merit, and there should be a resolute effort to eliminate the aged officers of reputable character who possess no special efficiency.

There should be an increase in the coast artillery force, so that our coast fortifications can be in some degree adequately manned. There is special need for an increase and reorganization of the Medical Department of the army. In both the army and navy there must be the same thorough training for duty in the staff corps as in the fighting line. Only by such training in advance can we be sure that in actual war field operations and those at sea will be carried on successfully. The importance of this was shown conclusively in the Spanish-American and the Russo-Japanese wars. The work of the medical departments in the Japanese army and navy is especially worthy of study. I renew my recommendation of the 9th January, 1905, as to the Medical Department of the army, and call attention to the equal importance of the needs of the staff corps of the navy. In the Medical Department of the navy the first in importance is the reorganization of the Hospital Corps on the lines of the Gallinger Bill (S. 3984, 1st February, 1904), and the reapportionment of the different grades of the medical officers to

meet service requirements. It seems advisable also that medical officers of the army and navy should have similar rank and pay in their respective grades, so that their duties can be carried on without friction when they are brought together. The base hospitals of the navy should be put in condition to meet modern requirements, and hospital ships be provided. Unless we now provide with ample forethought for the medical needs of the army and navy, appalling suffering of a preventable kind is sure to occur if ever the country goes to war. It is not reasonable to expect successful administration in time of war of a department which lacks a third of the number of officers necessary to perform the medical service in time of peace. We need men who are not merely doctors: they must be trained in the administration of military medical service.

Our navy must, relatively to the navies of other nations, always be of greater size than our army. We have most wisely continued for a number of years to build up our navy, and it has now reached a fairly high standard of efficiency. This standard of efficiency must not only be maintained, but increased. It does not seem to me necessary, however, that the navy should—at least in the immediate future—be increased beyond the present number of units. What is now clearly necessary is to substitute efficient for inefficient units as the latter become worn out, or as it becomes apparent that they are useless. Probably the result would be attained by adding a single battle-ship to our navy each year, the superseded or outworn vessels being laid up or broken up as they are thus replaced. The four single-turret monitors built immediately after the close of the Spanish war, for instance, are vessels which would be of but little use in the event of war. The money spent upon them could have been more usefully spent in other ways. Thus it would have been far better never to have built a single one of these monitors and to have put the money into an ample supply of reserve guns. Most of the smaller cruisers and gun-boats, though they serve a useful purpose so far as they are needed for international police work, would not add to the strength of our navy in a conflict with a serious foe. There is urgent need of providing a large increase in the number of officers, and especially in the number of enlisted men.

Recent naval history has emphasized certain lessons which ought not to, but which do, need emphasis. Sea-going torpedo-boats or destroyers are indispensable not only for making night attacks by surprise upon an enemy, but even in battle for finishing already-crippled ships. Under exceptional circumstances submarine boats would doubtless be of use. Fast scouts are needed. The main strength of the navy, however, lies, and can only lie, in the great

battle-ships, the heavily-armoured, heavily-gunned vessels which decide the mastery of the seas. Heavy-armed cruisers also play a most useful part, and unarmed cruisers, if swift enough, are very useful as scouts. Between antagonists of approximately equal prowess the comparative perfection of the instruments of war will ordinarily determine the fight. But it is, of course, true that the man behind the gun, the man in the engine room, and the man in the conning tower, considered not only individually, but especially with regard to the way in which they work together, are even more important than the weapons with which they work. The most formidable battle-ship is, of course, helpless against even a light cruiser if the men aboard it are unable to hit anything with their guns; and thoroughly well-handled cruisers may count seriously in an engagement with much superior vessels if the men aboard the latter are ineffective, whether from lack of training or from any other cause. Modern war-ships are most formidable mechanisms when well handled, but they are utterly useless when not well handled; and they cannot be handled at all without long and careful training. This training can under no circumstance be given when once war has broken out. No fighting ship of the first class should ever be laid up save for necessary repairs, and her crew should be kept constantly exercised on the high seas, so that she may stand at the highest point of perfection. To put a new and untrained crew upon the most powerful battle-ship and send it out to meet a formidable enemy is not only to invite, but to insure, disaster and disgrace. To improvise crews at the outbreak of a war, so far as the serious fighting craft are concerned, is absolutely hopeless. If the officers and men are not thoroughly skilled in, and have not been thoroughly trained to, their duties, it would be far better to keep the ships in port during hostilities than to send them against a formidable opponent, for the result could only be that they would be either sunk or captured. The marksmanship of our navy is now on the whole in a gratifying condition, and there has been a great improvement in fleet practice. We need additional seamen; we need a large store of reserve guns; we need sufficient money for ample target practice, ample practice of every kind at sea. We should substitute for comparatively inefficient types—the old third-class battle-ship *Texas*, the single-turreted monitors above mentioned, and, indeed, all the monitors and some of the old cruisers—efficient, modern sea-going vessels. Sea-going torpedo-boat destroyers should be substituted for some of the smaller torpedo-boats. During the present Congress there need be no additions to the aggregate number of units of the navy. Our navy, though very small relatively to the navies of other nations, is for the present sufficient in point of numbers for our needs, and while we must constantly strive to

make its efficiency higher, there need be no additions to the total number of ships now built and building, save in the way of substitution as above outlined. I recommend the Report of the Secretary of the Navy to the careful consideration of the Congress, especially with a view to the legislation therein advocated.

During the past year evidence has accumulated to confirm the expressions contained in my last two Annual Messages as to the importance of revising by appropriate legislation our system of naturalizing aliens. I appointed last March a Commission to make a careful examination of our naturalization laws, and to suggest appropriate measures to avoid the notorious abuses resulting from the improvident or unlawful granting of citizenship. This Commission, composed of an officer of the Department of State, of the Department of Justice, and of the Department of Commerce and Labour, has discharged the duty imposed upon it, and has submitted a report, which will be transmitted to the Congress for its consideration, and, I hope, for its favourable action.

The distinguishing recommendations of the Commission are:—

1. A Federal bureau of naturalization, to be established in the Department of Commerce and Labour, to supervise the administration of the naturalization laws, and to receive returns of naturalizations pending and accomplished.

2. Uniformity of naturalization certificates, fees to be charged, and procedure.

3. More exacting qualifications for citizenship.

4. The preliminary declaration of intention to be abolished, and no alien to be naturalized until at least ninety days after the filing of his petition.

5. Jurisdiction to naturalize aliens to be confined to United States' District Courts and to such State Courts as have jurisdiction in civil actions in which the amount in controversy is unlimited; in cities of over 100,000 inhabitants the United States' District Courts to have exclusive jurisdiction in the naturalization of the alien residents of such cities.

In my last Message I asked the attention of the Congress to the urgent need of action to make our criminal law more effective; and I most earnestly request that you pay heed to the report of the Attorney-General on this subject. Centuries ago it was especially needful to throw every safeguard round the accused. The danger then was lest he should be wronged by the State. The danger is now exactly the reverse. Our laws and customs tell immensely in favour of the criminal and against the interests of the public he has wronged. Some antiquated and outworn rules, which once safeguarded the threatened rights of private citizens, now merely work harm to the general body politic. The criminal law of the United

States stands in urgent need of revision. The criminal process of any Court of the United States should run throughout the entire territorial extent of our country. The delays of the criminal law, no less than of the civil, now amount to a very great evil.

There seems to be no statute of the United States which provides for the punishment of a United States' attorney or other officer of the Government who corruptly agrees to wrongfully do or wrongfully refrain from doing any act when the consideration for such corrupt agreement is other than one possessing money value. This ought to be remedied by appropriate legislation. Legislation should also be enacted to cover, explicitly, unequivocally, and beyond question, breach of trust in the shape of prematurely divulging official secrets by an officer or employé of the United States, and to provide a suitable penalty therefor. Such officer or employé owes the duty to the United States to guard carefully and not to divulge or in any manner use, prematurely, information which is accessible to the officer or employé by reason of his official position. Most breaches of public trust are already covered by the law, and this one should be. It is impossible, no matter how much care is used, to prevent the occasional appointment to the public service of a man who when tempted proves unfaithful; but every means should be provided to detect, and every effort made to punish, the wrongdoer. So far as in my power lies each and every such wrongdoer shall be relentlessly hunted down; in no instance in the past has he been spared; in no instance in the future shall he be spared. His crime is a crime against every honest man in the nation, for it is a crime against the whole body politic. Yet in dwelling on such misdeeds, it is unjust not to add that they are altogether exceptional, and that on the whole the employés of the Government render upright and faithful service to the people. There are exceptions, notably in one or two branches of the service; but at no time in the nation's history has the public service of the nation taken as a whole stood on a higher plane than now, alike as regards honesty and as regards efficiency.

Once again I call your attention to the condition of the public land laws. Recent developments have given new urgency to the need for such changes as will fit these laws to actual present conditions. The honest disposal and right use of the remaining public lands is of fundamental importance. The iniquitous methods by which the monopolizing of the public lands is being brought about under the present laws are becoming more generally known, but the existing laws do not furnish effective remedies. The recommendations of the Public Lands Commission upon this subject are wise and should be given effect.

The creation of small irrigated farms under the Reclamation Act

is a powerful offset to the tendency of certain other laws to foster or permit monopoly of the land. Under that Act the construction of great irrigation works has been proceeding rapidly and successfully, the lands reclaimed are eagerly taken up, and the prospect that the policy of national irrigation will accomplish all that was expected of it is bright. The Act should be extended to include the State of Texas.

The Reclamation Act derives much of its value from the fact that it tends to secure the greatest possible number of homes on the land, and to create communities of freeholders, in part by settlement on public land, in part by forcing the subdivision of large private holdings before they can get water from Government irrigation works. The law requires that no right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one land-owner. This provision has excited active and powerful hostility, but the success of the law itself depends on the wise and firm enforcement of it. We cannot afford to substitute tenants for freeholders on the public domain.

The greater part of the remaining public lands cannot be irrigated. They are at present and will probably always be of greater value for grazing than for any other purpose. This fact has led to the grazing homestead of 640 acres in Nebraska and to the proposed extension of it to other States. It is argued that a family cannot be supported on 160 acres of arid grazing land. This is obviously true; but neither can a family be supported on 640 acres of much of the land to which it is proposed to apply the grazing homestead. To establish universally any such arbitrary limit would be unwise at the present time. It would probably result on the one hand in enlarging the holdings of some of the great land-owners, and on the other in needless suffering and failure on the part of a very considerable proportion of the *bonâ fide* settlers who give faith to the implied assurance of the Government that such an area is sufficient. The best use of the public grazing lands requires the careful examination and classification of these lands in order to give each settler land enough to support his family and no more. While this work is being done, and until the lands are settled, the Government should take control of the open range, under reasonable regulations suited to local needs, following the general policy already in successful operation on the forest reserves. It is probable that the present grazing value of the open public range is scarcely more than half what it once was or what it might easily be again under careful regulation.

The forest policy of the Administration appears to enjoy the unbroken support of the people. The great users of timber are themselves forwarding the movement for forest preservation. All

organized opposition to the forest reserves in the west has disappeared. Since the consolidation of all Government forest work in the National Forest Service there has been a rapid and notable gain in the usefulness of the forest reserves to the people and in public appreciation of their value. The national parks within or adjacent to forest reserves should be transferred to the charge of the Forest Service also.

The National Government already does something in connection with the construction and maintenance of the great system of levees along the lower course of the Mississippi; in my judgment it should do much more.

To the spread of our trade in peace and the defence of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reinforce our battle line. It cannot but be a source of regret and uneasiness to us that the lines of communication with our sister Republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America *viâ* Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other Governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry.

I again heartily commend to your favourable consideration the tercentennial celebration of the settlement at Jamestown, Virginia. Appreciating the desirability of this commemoration, the Congress passed an Act on the 3rd March, 1905, authorizing in the year 1907, on and near the waters of Hampton Roads, in the State of Virginia, an international naval, marine, and military celebration in honour of this event. By the authority vested in me by this Act, I have made Proclamation of said celebration, and have issued, in conformity with its instructions, invitations to all the nations of the earth to participate, by sending their naval vessels and such military organizations as may be practicable. This celebration would fail of its full purpose unless it were enduring in its results and commensurate with the importance of the event to be celebrated, the event from which our nation dates its birth. I earnestly hope that this celebration, already indorsed by the Congress of the United States, and by the Legislatures of sixteen States since the action of the Congress, will receive such additional aid at your hands as will make it worthy of the great event it is intended to celebrate, and thereby enable the Government of the United States to make provision for the exhibi-

tion of its own resources, and likewise enable our people who have undertaken the work of such a celebration to provide suitable and proper entertainment and instruction in the historic events of our country for all who may visit the Exposition and to whom we have tendered our hospitality.

It is a matter of unmixed satisfaction once more to call attention to the excellent work of the Pension Bureau; for the veterans of the civil war have a greater claim upon us than any other class of our citizens. To them, first of all among our people, honour is due.

Seven years ago my lamented predecessor, President McKinley, stated that the time had come for the nation to care for the graves of the Confederate dead. I recommend that the Congress take action towards this end. The first need is to take charge of the graves of the Confederate dead who died in Northern prisons.

The question of immigration is of vital interest to this country. In the year ending the 30th June, 1905, there came to the United States 1,026,000 alien immigrants. In other words, in the single year that has just elapsed there came to this country a greater number of people than came here during the 169 years of our colonial life which intervened between the first landing at Jamestown and the Declaration of Independence. It is clearly shown in the Report of the Commissioner-General of Immigration that while much of this enormous immigration is undoubtedly healthy and natural, a considerable proportion is undesirable from one reason or another; moreover, a considerable proportion of it, probably a very large proportion, including most of the undesirable class, does not come here of its own initiative, but because of the activity of the agents of the great transportation companies. These agents are distributed throughout Europe, and by the offer of all kinds of inducements they wheedle and cajole many immigrants, often against their best interest, to come here. The most serious obstacle we have to encounter in the effort to secure a proper regulation of the immigration to these shores arises from the determined opposition of the foreign steamship lines who have no interest whatever in the matter save to increase the returns on their capital by carrying masses of immigrants hither in the steerage quarters of their ships.

As I said in my last Message to the Congress, we cannot have too much immigration of the right sort, and we should have none whatever of the wrong sort. Of course it is desirable that even the right kind of immigration should be properly distributed in this country. We need more of such immigration for the South; and special effort should be made to secure it. Perhaps it would be possible to limit the number of immigrants allowed to come in any one year to New York and other northern cities, while leaving unlimited the number allowed to come to the South; always pro-

vided, however, that a stricter effort is made to see that only immigrants of the right kind come to our country anywhere. In actual practice it has proved so difficult to enforce the immigration laws where long stretches of frontier marked by an imaginary line alone intervene between us and our neighbours that I recommend that no immigrants be allowed to come in from Canada and Mexico, save natives of the two countries themselves. As much as possible should be done to distribute the immigrants upon the land and keep them away from the congested tenement-house districts of the great cities. But distribution is a palliative, not a cure. The prime need is to keep out all immigrants who will not make good American citizens. The laws now existing for the exclusion of undesirable immigrants should be strengthened. Adequate means should be adopted, enforced by sufficient penalties, to compel steam-ship companies engaged in the passenger business to observe in good faith the law which forbids them to encourage or solicit immigration to the United States. Moreover, there should be a sharp limitation imposed upon all vessels coming to our ports as to the number of immigrants in ratio to the tonnage which each vessel can carry. This ratio should be high enough to insure the coming hither of as good a class of aliens as possible. Provision should be made for the surer punishment of those who induce aliens to come to this country under promise or assurance of employment. It should be made possible to inflict a sufficiently heavy penalty on any employer violating this law to deter him from taking the risk. It seems to me wise that there should be an International Conference held to deal with this question of immigration, which has more than a merely national significance; such a Conference could among other things enter at length into the methods for securing a thorough inspection of would-be immigrants at the ports from which they desire to embark before permitting them to embark.

In dealing with this question it is unwise to depart from the old American tradition and to discriminate for or against any man who desires to come here and become a citizen, save on the ground of that man's fitness for citizenship. It is our right and duty to consider his moral and social quality. His standard of living should be such that he will not, by pressure of competition, lower the standard of living of our own wage-workers; for it must ever be a prime object of our legislation to keep high their standard of living. If the man who seeks to come here is from the moral and social standpoint of such a character as to bid fair to add value to the community he should be heartily welcomed. We cannot afford to pay heed to whether he is of one creed or another, of one nation or another. We cannot afford to consider whether he is Catholic or Protestant, Jew or Gentile; whether he is Englishman

or Irishman, Frenchman or German, Japanese, Italian, Scandinavian, Slav, or Magyar. What we should desire to find out is the individual quality of the individual man. In my judgment, with this end in view, we shall have to prepare through our own agents a far more rigid inspection in the countries from which the immigrants come. It will be a great deal better to have fewer immigrants, but all of the right kind, than a great number of immigrants, many of whom are necessarily of the wrong kind. As far as possible we wish to limit the immigration to this country to persons who propose to become citizens of this country, and we can well afford to insist upon adequate scrutiny of the character of those who are thus proposed for future citizenship. There should be an increase in the stringency of the laws to keep out insane, idiotic, epileptic, and pauper immigrants. But this is by no means enough. Not merely the anarchist, but every man of anarchistic tendencies, all violent and disorderly people, all people of bad character, the incompetent, the lazy, the vicious, the physically unfit, defective, or degenerate should be kept out. The stocks out of which American citizenship is to be built should be strong and healthy, sound in body, mind, and character. If it be objected that the Government Agents would not always select well, the answer is that they would certainly select better than do the agents and brokers of foreign steam-ship companies, the people who now do whatever selection is done.

The questions arising in connection with Chinese immigration stand by themselves. The conditions in China are such that the entire Chinese coolie class, that is, the class of Chinese labourers, skilled and unskilled, legitimately come under the head of undesirable immigrants to this country, because of their numbers, the low wages for which they work, and their low standard of living. Not only is it to the interest of this country to keep them out, but the Chinese authorities do not desire that they should be admitted. At present their entrance is prohibited by laws amply adequate to accomplish this purpose. These laws have been, are being, and will be thoroughly enforced. The violations of them are so few in number as to be infinitesimal, and can be entirely disregarded. There is no serious proposal to alter the immigration law as regards the Chinese labourer, skilled or unskilled, and there is no excuse for any man feeling or affecting to feel the slightest alarm on the subject.

But in the effort to carry out the policy of excluding Chinese labourers, Chinese coolies, grave injustice and wrong have been done by this nation to the people of China, and therefore ultimately to this nation itself. Chinese students, business and professional men of all kinds—not only merchants, but bankers, doctors, manu-

facturers, professors, travellers, and the like—should be encouraged to come here and be treated on precisely the same footing that we treat students, business men, travellers, and the like of other nations. Our Laws and Treaties should be framed, not so as to put these people in the excepted classes, but to state that we will admit all Chinese, except Chinese of the coolie class, Chinese skilled or unskilled labourers. There would not be the least danger that any such provision would result in any relaxation of the law about labourers. These will, under all conditions, be kept out absolutely. But it will be more easy to see that both justice and courtesy are shown, as they ought to be shown, to other Chinese, if the Law or Treaty is framed as above suggested. Examinations should be completed at the port of departure from China. For this purpose there should be provided a more adequate Consular Service in China than we now have. The appropriations, both for the offices of the Consuls and for the office forces in the Consulates, should be increased.

As a people we have talked much of the open door in China, and we expect, and quite rightly intend to insist upon, justice being shown us by the Chinese. But we cannot expect to receive equity unless we do equity. We cannot ask the Chinese to do to us what we are unwilling to do to them. They would have a perfect right to exclude our labouring men if our labouring men threatened to come into their country in such numbers as to jeopardize the well-being of the Chinese population; and as, *mutatis mutandis*, these were the conditions with which Chinese immigration actually brought this people face to face, we had and have a perfect right, which the Chinese Government in no way contests, to act as we have acted in the matter of restricting coolie immigration. That this right exists for each country was explicitly acknowledged in the last Treaty between the two countries. But we must treat the Chinese student, traveller, and business man in a spirit of the broadest justice and courtesy if we expect similar treatment to be accorded to our own people of similar rank who go to China. Much trouble has come during the past summer from the organized boycott against American goods which has been started in China. The main factor in producing this boycott has been the resentment felt by the students and business people of China, by all the Chinese leaders, against the harshness of our law toward educated Chinamen of the professional and business classes.

This Government has the friendliest feeling for China and desires China's well-being. We cordially sympathize with the announced purpose of Japan to stand for the integrity of China. Such an attitude tends to the peace of the world.

The Civil Service Law has been on the Statute books for twenty-

two years. Every President and a vast majority of heads of departments who have been in office during that period have favoured a gradual extension of the merit system. The more thoroughly its principles have been understood, the greater has been the favour with which the law has been regarded by administrative officers. Any attempt to carry on the great executive departments of the Government without this law would inevitably result in chaos. The Civil Service Commissioners are doing excellent work; and their compensation is inadequate considering the service they perform.

The statement that the examinations are not practical in character is based on a misapprehension of the practice of the Commission. The departments are invariably consulted as to the requirements desired, and as to the character of questions that shall be asked. General invitations are frequently sent out to all heads of departments asking whether any changes in the scope or character of examinations are required. In other words, the departments prescribe the requirements and the qualifications desired, and the Civil Service Commission co-operates with them in securing persons with these qualifications and insuring open and impartial competition. In a large number of examinations (as, for example, those for trades positions) there are no educational requirements whatever, and a person who can neither read nor write may pass with a high average. Vacancies in the service are filled with reasonable expedition, and the machinery of the Commission, which reaches every part of the country, is the best agency that has yet been devised for finding people with the most suitable qualifications for the various offices to be filled. Written competitive examinations do not make an ideal method for filling positions, but they do represent an immeasurable advance upon the "spoils" method, under which outside politicians really make the appointments nominally made by the executive officers, the appointees being chosen by the politicians in question, in the great majority of cases, for reasons totally unconnected with the needs of the service or of the public.

Statistics gathered by the Census Bureau show that the tenure of office in the Government service does not differ materially from that enjoyed by employés of large business corporations. Heads of executive departments and members of the Commission have called my attention to the fact that the rule requiring a filing of charges and three days' notice before an employé could be separated from the service for inefficiency has served no good purpose whatever, because that is not a matter upon which a hearing of the employé found to be inefficient can be of any value; and in practice the rule providing for such notice and hearing has merely resulted in keeping in a certain number of incompetents, because of

the reluctance of heads of departments and bureau chiefs to go through the required procedure. Experience has shown that this rule is wholly ineffective to save any man, if a superior for improper reasons wishes to remove him, and is mischievous because it sometimes serves to keep in the service incompetent men not guilty of specific wrongdoing. Having these facts in view, the rule has been amended by providing that where the inefficiency or incapacity comes within the personal knowledge of the head of a department the removal may be made without notice, the reasons therefor being filed and made a record of the department. The absolute right of removal rests where it always has rested, with the head of a department; any limitation of this absolute right results in grave injury to the public service. The change is merely one of procedure; it was much needed, and it is producing good results.

The Civil Service law is being energetically and impartially enforced, and in the large majority of cases complaints of violations of either the law or rules are discovered to be unfounded. In this respect this law compares very favourably with any other Federal Statute. The question of politics in the appointment and retention of the men engaged in merely ministerial work has been practically eliminated in almost the entire field of Government employment covered by the Civil Service law. The action of the Congress in providing the Commission with its own force instead of requiring it to rely on detailed clerks has been justified by the increased work done at a smaller cost to the Government. I urge upon the Congress a careful consideration of the recommendations contained in the Annual Report of the Commission.

Our copyright laws urgently need revision. They are imperfect in definition, confused and inconsistent in expression; they omit provision for many articles which, under modern reproductive processes, are entitled to protection; they impose hardships upon the copyright proprietor which are not essential to the fair protection of the public; they are difficult for the Courts to interpret, and impossible for the Copyright Office to administer with satisfaction to the public. Attempts to improve them by amendment have been frequent, no less than twelve Acts for the purpose having been passed since the Revised Statutes. To perfect them by further amendment seems impracticable. A complete revision of them is essential. Such a revision, to meet modern conditions, has been found necessary in Germany, Austria, Sweden, and other foreign countries, and Bills embodying it are pending in England and the Australian Colonies. It has been urged here, and proposals for a Commission to undertake it have, from time to time, been pressed upon the Congress. The inconveniences of the present conditions being so great, an attempt to frame appropriate legislation has been

made by the Copyright Office, which has called conferences of the various interests especially and practically concerned with the operation of the copyright laws. It has secured from them suggestions as to the changes necessary; it has added from its own experience and investigations, and it has drafted a Bill which embodies such of these changes and additions as, after full discussion and expert criticism, appeared to be sound and safe. In form this Bill would replace the existing insufficient and inconsistent laws by one general Copyright Statute. It will be presented to the Congress at the coming Session. It deserves prompt consideration.

I recommend that a law be enacted to regulate inter-State commerce in misbranded and adulterated foods, drinks, and drugs. Such law would protect legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public. Traffic in food-stuffs which have been debased or adulterated so as to injure health or to deceive purchasers should be forbidden.

The law forbidding the emission of dense black or grey smoke in the city of Washington has been sustained by the Courts. Something has been accomplished under it, but much remains to be done if we would preserve the capital city from defacement by the smoke nuisance. Repeated prosecutions under the law have not had the desired effect. I recommend that it be made more stringent by increasing both the minimum and maximum fine, by providing for imprisonment in cases of repeated violation, and by affording the remedy of injunction against the continuation of the operation of plants which are persistent offenders. I recommend, also, an increase in the number of inspectors, whose duty it shall be to detect violations of the Act.

I call your attention to the generous act of the State of California in conferring upon the United States' Government the ownership of the Yosemite Valley and the Mariposa Big Tree Grove. There should be no delay in accepting the gift, and appropriations should be made for the including thereof in the Yosemite National Park, and for the care and policing of the park. California has acted most wisely as well as with great magnanimity in the matter. There are certain mighty natural features of our land which should be preserved in perpetuity for our children and our children's children. In my judgment the Grand Canyon of the Colorado should be made into a national park. It is greatly to be wished that the State of New York should copy as regards Niagara what the State of California has done as regards the Yosemite. Nothing should be allowed to interfere with the preservation of Niagara Falls in all their beauty and majesty. If the State cannot

see to this, then it is earnestly to be wished that she should be willing to turn it over to the National Government, which should in such case (if possible, in conjunction with the Canadian Government) assume the burden and responsibility of preserving unharmed Niagara Falls, just as it should gladly assume a similar burden and responsibility for the Yosemite National Park, and as it has already assumed them for the Yellowstone National Park. Adequate provision should be made by the Congress for the proper care and supervision of all these national parks. The boundaries of the Yellowstone National Park should be extended to the south and east to take in such portions of the abutting forest reservation as will enable the Government to protect the elk on their winter range.

The most characteristic animal of the western plains was the great shaggy-maned wild ox, the bison, commonly known as buffalo. Small fragments of herds exist in a domesticated state here and there, a few of them in the Yellowstone Park. Such a herd as that on the Flathead Reservation should not be allowed to go out of existence. Either on some reservation or on some forest reserve like the Wichita reserve and game refuge provision should be made for the preservation of such a herd. I believe that the scheme would be of economic advantage, for the robe of the buffalo is of high market value, and the same is true of the robe of the crossbred animals.

I call your special attention to the desirability of giving to the members of the Life-Saving Service pensions such as are given to firemen and policemen in all our great cities. The men in the Life-Saving Service continually, and in the most matter of fact way, do deeds such as make Americans proud of their country. They have no political influence, and they live in such remote places that the really heroic services they continually render receive the scantiest recognition from the public. It is unjust for a great nation like this to permit these men to become totally disabled or to meet death in the performance of their hazardous duty, and yet to give them no sort of reward. If one of them serves thirty years of his life in such a position he should surely be entitled to retire on half-pay, as a fireman or policeman does, and if he becomes totally incapacitated through accident or sickness, or loses his health in the discharge of his duty, he or his family should receive a pension just as any soldier should. I call your attention with especial earnestness to this matter because it appeals not only to our judgment but to our sympathy, for the people on whose behalf I ask it are comparatively few in number, render incalculable service of a particularly dangerous kind, and have no one to speak for them.

During the year just past, the phase of the Indian question which has been most sharply brought to public attention is the

larger legal significance of the Indian's induction into citizenship. This has made itself manifest not only in a great access of litigation in which the citizen Indian figures as a party defendant and in a more widespread disposition to levy local taxation upon his personalty, but in a decision of the United States' Supreme Court, which struck away the main prop on which has hitherto rested the Government's benevolent effort to protect him against the evils of intemperance. The Court holds, in effect, that when an Indian becomes, by virtue of an allotment of land to him, a citizen of the State in which his land is situated, he passes from under Federal control in such matters as this, and the Acts of the Congress prohibiting the sale or gift to him of intoxicants become substantially inoperative. It is gratifying to note that the States and municipalities of the West which have most at stake in the welfare of the Indians are taking up this subject, and are trying to supply, in a measure at least, the abdication of its trusteeship forced upon the Federal Government. Nevertheless, I would urgently press upon the attention of the Congress the question whether some amendment of the internal revenue laws might not be of aid in prosecuting those malefactors, known in the Indian country as "bootleggers," who are engaged at once in defrauding the United States' Treasury of taxes and, what is far more important, in debauching the Indians by carrying liquors illicitly into territory still completely under Federal jurisdiction.

Among the crying present needs of the Indians are more day schools situated in the midst of their settlements, more effective instruction in the industries pursued on their own farms, and a more liberal extension of the field-matron service, which means the education of the Indian women in the arts of home making. Until the mothers are well started in the right direction we cannot reasonably expect much from the children who are soon to form an integral part of our American citizenship. Moreover, the excuse continually advanced by male adult Indians for refusing offers of remunerative employment at a distance from their homes is that they dare not leave their families too long out of their sight. One effectual remedy for this state of things is to employ the minds and strengthen the moral fibre of the Indian women—the end to which the work of the field matron is especially directed. I trust that the Congress will make its appropriations for Indian day schools and field matrons as generous as may consist with the other pressing demands upon its providence.

During the last year the Philippine Islands have been slowly recovering from the series of disasters which, since American occupation, have greatly reduced the amount of agricultural products below what was produced in Spanish times. The war, the rinder-

pest, the locusts, the drought, and the cholera have been united as causes to prevent a return of the prosperity much needed in the islands. The most serious is the destruction by the rinderpest of more than 75 per cent. of the draught cattle, because it will take several years of breeding to restore the necessary number of these indispensable aids to agriculture. The Commission attempted to supply by purchase from adjoining countries the needed cattle, but the experiments made were unsuccessful. Most of the cattle imported were unable to withstand the change of climate and the rigours of the voyage, and died from other diseases than rinderpest.

The income of the Philippine Government has necessarily been reduced by reason of the business and agricultural depression in the islands, and the Government has been obliged to exercise great economy to cut down its expenses, to reduce salaries, and in every way to avoid a deficit. It has adopted an internal revenue law, imposing taxes on cigars, cigarettes, and distilled liquors, and abolishing the old Spanish industrial taxes. The law has not operated as smoothly as was hoped, and although its principle is undoubtedly correct, it may need amendments for the purpose of reconciling the people to its provisions. The income derived from it has partly made up for the reduction in customs revenue.

There has been a marked increase in the number of Filipinos employed in the civil service, and a corresponding decrease in the number of Americans. The Government in every one of its Departments has been rendered more efficient by elimination of undesirable material and the promotion of deserving public servants.

Improvements of harbours, roads, and bridges continue, although the cutting down of the revenue forbids the expenditure of any great amount from current income for these purposes. Steps are being taken, by advertisement for competitive bids, to secure the construction and maintenance of 1,000 miles of railway by private corporations under the recent enabling legislation of the Congress. The transfer of the friar lands, in accordance with the contract made some two years ago, has been completely effected, and the purchase-money paid. Provision has just been made by statute for the speedy settlement in a special proceeding in the Supreme Court of controversies over the possession and title of church buildings and rectories arising between the Roman Catholic Church and schismatics claiming under ancient municipalities. Negotiations and hearings for the settlement of the amount due to the Roman Catholic Church for rent and occupation of churches and rectories by the army of the United States are in progress, and it is hoped a satisfactory conclusion may be submitted to the Congress before the end of the Session.

Tranquillity has existed during the past year throughout the Archipelago, except in the Province of Cavite, the Province of Batangas, and the Province of Samar, and in the Island of Jolo among the Moros. The Jolo disturbance was put an end to by several sharp and short engagements, and now peace prevails in the Moro Province. Cavite, the mother of ladrones in the Spanish times, is so permeated with the traditional sympathy of the people for ladronism as to make it difficult to stamp out the disease. Batangas was only disturbed by reason of the fugitive ladrones from Cavite. Samar was thrown into disturbance by the uneducated and partly savage peoples living in the mountains, who, having been given by the Municipal Code more power than they were able to exercise discreetly, elected municipal officers who abused their trusts, compelled the people raising hemp to sell it at a much less price than it was worth, and by their abuses drove their people into resistance to constituted authority. Cavite and Samar are instances of reposing too much confidence in the self-governing power of a people. The disturbances have all now been suppressed, and it is hoped that with these lessons Local Governments can be formed which will secure quiet and peace to the deserving inhabitants. The incident is another proof of the fact that if there has been any error as regards giving self-government in the Philippines it has been in the direction of giving it too quickly, not too slowly. A year from next April the first Legislative Assembly for the islands will be held. On the sanity and self-restraint of this body much will depend so far as the future self-government of the islands is concerned.

The most encouraging feature of the whole situation has been the very great interest taken by the common people in education, and the great increase in the number of enrolled students in the public schools. The increase was from 300,000 to 500,000 pupils. The average attendance is about 70 per cent. The only limit upon the number of pupils seems to be the capacity of the Government to furnish teachers and schoolhouses.

The agricultural conditions of the islands enforce more strongly than ever the argument in favour of reducing the tariff on the products of the Philippine Islands entering the United States. I earnestly recommend that the tariff now imposed by the Dingley Bill upon the products of the Philippine Islands be entirely removed, except the tariff on sugar and tobacco, and that the tariff be reduced to 25 per cent. of the present rates under the Dingley Act; that after the 1st July, 1909, the tariff upon tobacco and sugar produced in the Philippine Islands be entirely removed, and that free trade between the islands and the United States in the products of each country then be provided for by law.

A Statute in force, enacted the 15th April, 1904, suspends the operation of the coastwise laws of the United States upon the trade between the Philippine Islands and the United States until the 1st July, 1906. I earnestly recommend that this suspension be postponed until the 1st July, 1909. I think it of doubtful utility to apply the coastwise laws to the trade between the United States and the Philippines under any circumstances, because I am convinced that it will do no good whatever to American bottoms, and will only interfere and be an obstacle to the trade between the Philippines and the United States; but if the coastwise law must be thus applied, certainly it ought not to have effect until free trade is enjoyed between the people of the United States and the people of the Philippine Islands in their respective products.

I do not anticipate that free trade between the islands and the United States will produce a revolution in the sugar and tobacco production of the Philippine Islands. So primitive are the methods of agriculture in the Philippine Islands, so slow is capital in going to the islands, so many difficulties surround a large agricultural enterprise in the islands, that it will be many many years before the products of those islands will have any effect whatever upon the markets of the United States. The problem of labour is also a formidable one with the sugar and tobacco producers in the islands. The best friends of the Filipino people and the people themselves are utterly opposed to the admission of Chinese coolie labour. Hence the only solution is the training of Filipino labour, and this will take a long time. The enactment of a law by the Congress of the United States making provision for free trade between the islands and the United States, however, will be of great importance from a political and sentimental standpoint; and while its actual benefit has doubtless been exaggerated by the people of the islands, they will accept this measure of justice as an indication that the people of the United States are anxious to aid the people of the Philippine Islands in every way, and especially in the agricultural development of their archipelago. It will aid the Filipinos without injuring interests in America.

In my judgment immediate steps should be taken for the fortification of Hawaii. This is the most important point in the Pacific to fortify in order to conserve the interests of this country. It would be hard to overstate the importance of this need. Hawaii is too heavily taxed. Laws should be enacted setting aside for a period of, say, twenty years, 75 per cent. of the internal revenue and customs receipts from Hawaii as a special fund to be expended in the islands for educational and public buildings, and for harbour improvements and military and naval defences. It cannot be too often repeated that our aim must be to develop the Territory of

Hawaii on traditional American lines. That Territory has serious commercial and industrial problems to reckon with; but no measure of relief can be considered which looks to legislation admitting Chinese, and restricting them by Statute to field labour and domestic service. The status of servility can never again be tolerated on American soil. We cannot concede that the proper solution of its problems is special legislation admitting to Hawaii a class of labourers denied admission to the other States and Territories. There are obstacles, and great obstacles, in the way of building up a representative American community in the Hawaiian Islands, but it is not in the American character to give up in the face of difficulty. Many an American Commonwealth has been built up against odds equal to those that now confront Hawaii.

No merely half-hearted effort to meet its problems, as other American communities have met theirs, can be accepted as final. Hawaii shall never become a Territory in which a governing class of rich planters exists by means of coolie labour. Even if the rate of growth of the Territory is thereby rendered slower, the growth must only take place by the admission of immigrants fit in the end to assume the duties and burdens of full American citizenship. Our aim must be to develop the Territory on the same basis of stable citizenship as exists on this continent.

I earnestly advocate the adoption of legislation which will explicitly confer American citizenship on all citizens of Porto Rico. There is, in my judgment, no excuse for failure to do this. The harbour of San Juan should be dredged and improved. The expenses of the Federal Court of Porto Rico should be met from the Federal Treasury, and not from the Porto Rican Treasury. The elections in Porto Rico should take place every four years, and the Legislature should meet in Session every two years. The present form of government in Porto Rico, which provides for the appointment by the President of the Members of the Executive Council, or Upper House of the Legislature, has proved satisfactory, and has inspired confidence in property-owners and investors. I do not deem it advisable at the present time to change this form in any material feature. The problems and needs of the island are industrial and commercial rather than political.

I wish also to call the attention of the Congress to one question which affects our insular possessions generally—namely, the need of an increased liberality in the treatment of the whole franchise question in these islands. In the proper desire to prevent the islands being exploited by speculators, and to have them develop in the interest of their own people, an error has been made in refusing to grant sufficiently liberal terms to induce the investment of

American capital in the Philippines and in Porto Rico. Elsewhere in this Message I have spoken strongly against the jealousy of mere wealth, and especially of corporate wealth as such; but it is particularly regrettable to allow any such jealousy to be developed when we are dealing either with our insular or with foreign affairs. The big corporation has achieved its present position in the business world simply because it is the most effective instrument in business competition. In foreign affairs we cannot afford to put our people at a disadvantage with their competitors by in any way discriminating against the efficiency of our business organizations. In the same way we cannot afford to allow our insular possessions to lag behind in industrial development from any twisted jealousy of business success. It is, of course, a mere truism to say that the business interests of the islands will only be developed if it becomes the financial interest of somebody to develop them; yet this development is one of the things most earnestly to be wished for in the interest of the islands themselves. We have been paying all possible heed to the political and educational interests of the islands, but, important though these objects are, it is not less important that we should favour their industrial development. The Government can in certain ways help this directly, as by building good roads; but the fundamental and vital help must be given through the development of the industries of the islands, and a most efficient means to this end is to encourage big American corporations to start industries in them, and by this means to make it advantageous for them to do so. To limit the ownership of mining claims, as has been done in the Philippines, is absurd. In both the Philippines and Porto Rico the limit of holdings of land should be largely raised.

I earnestly ask that Alaska be given an elective Delegate. Some person should be chosen who can speak with authority of the needs of the Territory. The Government should aid in the construction of a railroad from the Gulf of Alaska to the Yukon River, in American territory. In my last two Messages I advocated certain additional action on behalf of Alaska. I shall not now repeat those recommendations, but I shall lay all my stress upon the one recommendation of giving to Alaska some one authorized to speak for it. I should prefer that the Delegate was made elective, but if this is not deemed wise, then make him appointive. At any rate, give Alaska some person whose business it shall be to speak with authority on her behalf to the Congress. The natural resources of Alaska are great. Some of the chief needs of the peculiarly energetic, self-reliant, and typically American white population of Alaska were set forth in my last Message. I also earnestly ask your attention to the needs of the Alaskan Indians. All

Indians who are competent should receive the full rights of American citizenship. It is, for instance, a gross and indefensible wrong to deny to such hard-working, decent-living Indians as the Metlakahtlas the right to obtain licences as captains, pilots, and engineers, the right to enter mining claims, and to profit by the homestead law. These particular Indians are civilized, and are competent and entitled to be put on the same basis with the white men round about them.

I recommend that Indian Territory and Oklahoma be admitted as one State, and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to the statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question I recommend that they be immediately admitted as two States. There is no justification for further delay, and the advisability of making the four Territories into two States has been clearly established.

In some of the Territories the Legislative Assemblies issue licences for gambling. The Congress should by law forbid this practice, the harmful results of which are obvious at a glance.

The Treaty between the United States and the Republic of Panamá, under which the construction of the Panamá Canal was made possible, went into effect with its ratification by the United States' Senate on the 23rd February, 1904.* The canal properties of the French Canal Company were transferred to the United States on the 23rd April, 1904, on payment of 40,000,000 dollars to that company. On the 1st April, 1905, the Commission was reorganized, and it now consists of Theodore P. Shonts, Chairman, Charles E. Magoon, Benjamin M. Harrod, Rear-Admiral Mordecai T. Endicott, Brigadier-General Peter C. Hains, and Colonel Oswald H. Ernst. John F. Stevens was appointed Chief Engineer on the 1st July last. Active work in canal construction, mainly preparatory, has been in progress for less than a year and a-half. During that period two points about the canal have ceased to be open to debate. First, the question of route; the canal will be built on the Isthmus of Panamá. Second, the question of feasibility; there are no physical obstacles on this route that American engineering skill will not be able to overcome without serious difficulty, or that will prevent the completion of the canal within a reasonable time and at a reasonable cost. This is virtually the unanimous testimony of the engineers who have investigated the matter for the Government.

* Vol. XCVI, page 553.

The point which remains unsettled is the question of type, whether the canal shall be one of several locks above sea-level, or at sea-level with a single-tide lock. On this point I hope to lay before the Congress at an early date the findings of the Advisory Board of American and European Engineers, that at my invitation have been considering the subject, together with the Report of the Commission thereon; and such comments thereon or recommendations in reference thereto as may seem necessary.

The American people is pledged to the speediest possible construction of a canal adequate to meet the demands which the commerce of the world will make upon it, and I appeal most earnestly to the Congress to aid in the fulfilment of the pledge. Gratifying progress has been made during the past year, and especially during the past four months. The greater part of the necessary preliminary work has been done. Actual work of excavation could be begun only on a limited scale till the canal zone was made a healthful place to live in and to work in. The isthmus had to be sanitated first. This task has been so thoroughly accomplished that yellow fever has been virtually extirpated from the isthmus and general health conditions vastly improved. The same methods which converted the Island of Cuba from a pest-hole, which menaced the health of the world, into a healthful place of abode, have been applied on the isthmus with satisfactory results. There is no reason to doubt that when the plans for water supply, paving, and sewerage of Panamá and Colon and the large labour camps have been fully carried out, the isthmus will be, for the tropics, an unusually healthy place of abode. The work is so far advanced now that the health of all those employed in canal work is as well guarded as it is on similar work in this country and elsewhere.

In addition to sanitating the isthmus, satisfactory quarters are being provided for employés, and an adequate system of supplying them with wholesome food at reasonable prices has been created. Hospitals have been established and equipped that are without superiors of their kind anywhere. The country has thus been made fit to work in, and provision has been made for the welfare and comfort of those who are to do the work. During the past year a large portion of the plant with which the work is to be done has been ordered. It is confidently believed that by the middle of the approaching year a sufficient proportion of this plant will have been installed to enable us to resume the work of excavation on a large scale.

What is needed now, and without delay, is an appropriation by the Congress to meet the current and accruing expenses of the Commission. The first appropriation of 10,000,000 dollars out of the 135,000,000 dollars authorized by the Spooner Act was made

three years ago. It is nearly exhausted. There is barely enough of it remaining to carry the Commission to the end of the year. Unless the Congress shall appropriate before that time all work must cease. To arrest progress for any length of time now, when matters are advancing so satisfactorily, would be deplorable. There will be no money with which to meet pay-roll obligations, and none with which to meet bills coming due for materials and supplies; and there will be demoralization of the forces, here and on the isthmus, now working so harmoniously and effectively if there is delay in granting an emergency appropriation. Estimates of the amount necessary will be found in the accompanying reports of the Secretary of War and the Commission.

I recommend more adequate provision than has been made heretofore for the work of the Department of State. Within a few years there has been a very great increase in the amount and importance of the work to be done by that Department both in Washington and abroad. This has been caused by the great increase of our foreign trade, the increase of wealth among our people, which enables them to travel more generally than heretofore, the increase of American capital which is seeking investment in foreign countries, and the growth of our power and weight in the Councils of the civilized world. There has been no corresponding increase of facilities for doing the work afforded to the Department having charge of our foreign relations.

Neither at home nor abroad is there a sufficient working force to do the business properly. In many respects the system which was adequate to the work of twenty-five, or even ten, years ago is inadequate now, and should be changed. Our Consular force should be classified, and appointments should be made to the several classes, with authority to the Executive to assign the members of each class to duty at such posts as the interests of the service require, instead of the appointments being made as at present to specified posts. There should be an adequate inspection service, so that the Department may be able to inform itself how the business of each Consulate is being done, instead of depending upon casual private information or rumour. The fee system should be entirely abolished, and a due equivalent made in salary to the officers who now eke out their subsistence by means of fees. Sufficient provision should be made for a clerical force in every Consulate, composed entirely of Americans, instead of the insufficient provision now made, which compels the employment of great numbers of citizens of foreign countries whose services can be obtained for less money. At a large part of our Consulates the office quarters and the clerical force are inadequate to the performance of the onerous duties imposed by the recent provisions of our immigration laws as well as by our increasing

trade. In many parts of the world the lack of suitable quarters for our Embassies, Legations, and Consulates detracts from the respect in which our officers ought to be held, and seriously impairs their weight and influence.

Suitable provision should be made for the expense of keeping our Diplomatic officers more fully informed of what is being done from day to day in the progress of our diplomatic affairs with other countries. The lack of such information, caused by insufficient appropriations available for cable tolls and for clerical and messenger service, frequently puts our officers at a great disadvantage and detracts from their usefulness. The salary list should be readjusted. It does not now correspond either to the importance of the service to be rendered and the degrees of ability and experience required in the different positions, or to the differences in the cost of living. In many cases the salaries are quite inadequate.

The White House, December 5, 1905.

THEODORE ROOSEVELT.

NOTIFICATION of the Accession of Uruguay to the International Telegraph Convention of 1875.—August 18, 1902.*

MY LORD,

Austrian Embassy, London, August 18, 1902.

I HAVE the honour to inform your Excellency, under instructions from my Government, that the Uruguayan Envoy at Rome has notified to the Imperial and Royal Foreign Office the accession of Uruguay to the International Telegraph Convention of St. Petersburg of the 22nd July, 1875, and, on behalf of his Government, has expressed a wish that Uruguay should be included in the fourth group of the States and Territories belonging to the Union for the purpose of meeting the expenses of the International Bureau.

I have, &c.

The Marquess of Lansdowne.

ALB. MENSENDORFF.

CONTRACT between Venezuela and the Council of Foreign Bondholders and the Disconto-Gesellschaft for the Unification and Conversion of the Consolidated Debt of 1881, and of the 5 per Cent. Loan of 1896 of the United States of Venezuela. —June 7, 1905.

(Translation.)

BETWEEN the Undersigned the following has been agreed :—

ART. 1. The Government of Venezuela, in virtue of the powers conferred upon it by the Law of the 16th April, 1903, ratified on the 16th April, 1904, shall issue: 132,049,925 bolivares gold (5,229,700*l.*) in bonds of the 3 per Cent. Diplomatic Debt, denominated "3 per Cent. Diplomatic Debt of the United States of Venezuela, issue of 1905," destined for the unification and conversion of the Consolidated Debt of 1881 and of the 5 per Cent. Loan of 1896.

2. The bonds of the Diplomatic Debt, issue of 1905, shall be to bearer, expressed in bolivares gold and in pounds sterling in certificates of—

Bolivares, gold	505 =	20 <i>l.</i>
" "	2,525 =	100 <i>l.</i>
" "	12,625 =	500 <i>l.</i>

The text shall be drawn up in Spanish, German, and English.

3. The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft," shall determine the number of certificates to be issued of each category of bonds, and shall communicate the particulars to the Government of Venezuela as soon as the bonds are issued.

4. The bonds shall be printed in Europe through the intervention of the Council of Foreign Bondholders and of the "Direction der Disconto-Gesellschaft," and shall bear the facsimiles of the signatures of the Minister of Finance, as President of the "Junta de Credito Publico," and of two members of that Junta. They shall be verified by the Financial Agent in Europe of the Government of Venezuela, as also by a person to be designated by the Council of Foreign Bondholders, and by another to be designated by the "Direction der Disconto-Gesellschaft," and it is only when these three persons shall have affixed their written signatures to the bonds that the latter shall be delivered to the bondholders as fully valid.

5. The bonds of the Diplomatic Debt, issue of 1905, shall bear interest at 3 per cent. per annum, payable half-yearly on the 1st July and the 1st January, in Venezuela in bolivares gold, in London in pounds sterling, and in Berlin in reichsmarks at the sight rate of exchange on London. The first coupon, which will mature on the 1st July, 1905, and represents the interest accrued since the 1st January, 1905, shall, as an exception, be paid on the 1st August, 1905.

The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" shall have the right to make the arrangements necessary to effect on their account the payment of coupons in other cities.

6. The bonds of the Diplomatic Debt, issue of 1905, shall bear fifty half-yearly coupons and a counterfoil. On the first series of fifty coupons becoming exhausted the Government of Venezuela shall deliver new coupon sheets to the bondholders free of charge against the counterfoil.

7. The coupons and the amortized bonds shall be paid by the application of the sums received from the Government of Venezuela, in London by the Council of Foreign Bondholders, in Berlin by the "Direction der Disconto-Gesellschaft," and in Venezuela and in other localities by the houses designated by these two institutions.

8. The coupons which shall not have been presented for encashment within the five years following their due date shall be prescribed to the benefit of the Government of Venezuela; the period of prescription for amortized bonds shall be twenty years.

9. In case of loss, theft, or destruction of the bonds or coupons of the Diplomatic Debt to be created, the Government of Venezuela shall replace these bonds and coupons when it shall have been furnished with proofs considered satisfactory regarding their disappearance and of the rights of the claimants, or when a certificate shall have been delivered to it by a banking house which it considers satisfactory, guaranteeing it against all responsibility which might result from the replacing of the said missing bonds or coupons.

10. The service of interest and amortization of this debt shall be effected by an annuity of 4 per cent. commencing from the 1st January, 1905.

11. The amortization of the Diplomatic Debt, issue of 1905, shall be effected in a period of, at the most, forty-seven years either by half-yearly drawings or by purchases on the market or by means of tenders, and shall take place on the 1st July and the 1st January of each year, with the exception of the first amortization, which shall take place on the 1st August, 1905.

Consequently, the Government shall provide annually for the integral service of interest and amortization a fixed sum of 209,1887. (5,281,997 bolivares gold), increased by the commission for the administration of the service referred to in Article 38, by the cost of remittances, and by all other accessories.

12. The Government shall have the right to increase the amount destined for amortization, and especially to effect the partial or total repurchase of the bonds which may be offered by tender as mentioned in Article 15.

13. The drawings shall take place in London on the 1st June

and the 1st December of each year, and the bonds drawn shall be paid on the 1st July and the 1st January following.

The numbers of the bonds drawn at the drawings shall be published at the expense of the Government of Venezuela immediately after each drawing in two newspapers in London and in three in Berlin.

In the same newspapers shall be published at the expense of the Government of Venezuela all the other communications relating to the Diplomatic Debt, issue of 1905.

14. The bonds drawn at the drawing shall be presented for payment bearing all the coupons maturing after the period of repayment, and they shall cease to bear interest on the date fixed for the repayment.

The amount of the missing coupons shall be deducted from the capital to be repaid, unless the holder should obtain to the satisfaction of the Council of Foreign Bondholders, or of the "Direction der Disconto-Gesellschaft," the guarantee of a bank against all responsibility on the part of the Government regarding the future presentation of the missing coupons.

15. In the event of the price of the bonds being below par on the day before that fixed for the drawing, that is to say, the 31st May and the 30th November, the drawing shall not take place; the integral portion of the annuity destined for the amortization having then to be applied to the purchase of bonds on the market or by means of tenders.

16. The invitations for the tenders shall be published by the Council of Foreign Bondholders or the "Direction der Disconto-Gesellschaft" in the London and Berlin newspapers within the three days following the date fixed for the drawing, the latter not having taken place.

The tenders shall be under sealed cover and shall be opened in the presence of a representative of the Council of Foreign Bondholders and of a representative of the "Direction der Disconto-Gesellschaft," duly authorized for this purpose, fifteen days after the publication of the invitations mentioned in the preceding paragraph, the Government of Venezuela having the right to be represented thereat.

The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" shall have the right to demand the deposit of the bonds or to take any other measure that they shall consider necessary to insure the prompt delivery of the bonds accepted at the tenders.

17. If, on the day fixed for the opening of the tenders, the Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" should not be in possession of any reasonable offer, or

should not have sufficient tenders to be able to apply the amount destined for amortization, the sum remaining unemployed shall be applied to drawings to be held on the 20th June and the 20th December following, unless before these dates it should have been possible to apply it to purchases of bonds on the market.

The bonds purchased by tender shall be paid on the 1st July and the 1st January following.

18. All the amortized bonds, as well as their coupons and also the coupons paid, shall be perforated through the intervention of the Council of Foreign Bondholders or of the "Direction der Disconto-Gesellschaft," and placed at the disposal of the Government of Venezuela.

19. The various operations necessary to carry out the amortization of the Diplomatic Debt, issue of 1905, shall be effected by the Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft," the Government of Venezuela having the right to be represented thereat at its own expense.

20. The amount of the Diplomatic Debt, issue of 1905, to be issued in accordance with the present contract, shall constitute a direct engagement of the State, which shall insert each year in its estimates of expenditure the sum required to meet the integral service of the said debt, in respect of interest, amortization, and accessories.

21. The Diplomatic Debt, issue of 1905, shall, in addition, be guaranteed by the irrevocable and preferential assignment of 25 per cent. of the ordinary customs duties.

It is, nevertheless, understood that until the total payment of the liabilities to which 30 per cent. of the revenues of the custom-houses of La Guayra and Puerto Cabello is assigned in virtue of the Protocols signed at Washington on the 13th February, 1903,* there shall be assigned to the Diplomatic Debt of 1905—in temporary substitution of the 25 per cent. of the ordinary customs duties—60 per cent. of the ordinary customs duties of all the other ports of Venezuela.

22. The customs duties assigned to the Diplomatic Debt, issue of 1905, shall be paid by the merchants separately in the manner which shall be established by the Government of Venezuela in the Decree which it shall issue regarding the allocation of its revenue.

This Decree shall be considered an essential part of the contract, and a copy thereof shall be attached thereto. The text of this Decree shall also be printed on the bonds of the Diplomatic Debt, issue of 1905.

23. The customs duties assigned to the Diplomatic Debt, issue of 1905, shall be encashed by the Bank of Venezuela, which shall

* Vol. XCVI, pages 99, 803, and 1172.

credit therewith a special account denominated "Account of the Service of the 3 per Cent. Diplomatic Debt of the United States of Venezuela, issue of 1905."

The settlement of the said account shall take place on the 1st and 15th of each month, the Bank of Venezuela paying, in pounds sterling to the debit of that account, by the application of the sums encashed in accordance with the preceding paragraph, the twenty-fourth part of the sum required to meet the integral annual service of the interest, amortization, and accessories of the 132,049,925 gold bolivares (5,229,700*l.*) of this [*sic*, ? the] Diplomatic Debt, issue of 1905.

One moiety of the sum corresponding to this service shall be delivered, in pounds sterling, on the day of each fortnightly settlement, into the hands of the Minister Resident in Venezuela of the German Government, the other moiety, also in pounds sterling, into those of the Minister Resident in Venezuela of the British Government.

The sums received by the German and British Ministers Resident shall be remitted to the Council of Foreign Bondholders and to the "Direction der Disconto-Gesellschaft."

24. Any sum exceeding the twenty-fourth part of the integral annual service shall be returned by the Bank of Venezuela to the Government.

In the event of the sums encashed from the customs duties assigned to the Diplomatic Debt, issue of 1905, not producing in any fortnight the amount necessary to cover the twenty-fourth part of the integral service, the Government undertakes to immediately make up the sum necessary for such service.

25. The Government of Venezuela shall communicate the stipulations of this contract to the Bank of Venezuela, giving it the necessary instructions for its execution, and instructing it to declare to the Council of Foreign Bondholders and to the "Direction der Disconto-Gesellschaft" that it has taken cognizance of the contract and of the instructions of the Government, and that it will act in conformity therewith.

26. In order that the service in London and Berlin may not suffer any delay, the integral amount in respect of the interest, amortization, and accessories necessary to meet the half-yearly service, at the periods fixed in the contract, must be in the hands of the Ministers Resident mentioned in Article 23 six weeks before each due date, that is to say, on the 15th May and the 15th November of each year for the succeeding date of payment.

The whole sum required to pay in pounds sterling, in London and Berlin, the coupons maturing on the 1st July, 1905 (payable on the 1st August, 1905), increased by the amortization and other

corresponding expenses, must be in the hands of the already mentioned Ministers Resident, on the 1st July, 1905.

27. The bonds and coupons of the Diplomatic Debt, issue of 1905, shall be for ever exempt from all Venezuelan imposts, taxes, stamp duties, or charges whatsoever, present or future, and the service shall be faithfully maintained, as well in time of war as in time of peace.

28. The Government of Venezuela cannot contract any loan abroad without the product of the new Loan being applied to the repayment of the Diplomatic Debt, issue of 1905, to be created in accordance with the present contract.

29. Inasmuch as the present contract does not include the internal debts of Venezuela now in circulation, it is stipulated that any arrangement relating to these debts shall provide for a treatment the conditions of which shall be neither the same as nor more favourable than those applied to the Consolidated Debt of 1881 in the present contract.

30. The Government undertakes not to change the existing gold standard of its coinage, nor to give forced currency to bank notes, and also not to proceed to any direct or indirect issue of paper-money during the duration of this contract.

31. The capital of the Consolidated Debt of 1881 shall be exchanged at the rate of $72\frac{1}{2}$ per cent., and that of the 5 per Cent. Loan of 1896 at par, for bonds of the 3 per Cent. Diplomatic Debt, issue of 1905.

The bonds of the 5 per Cent. Loan, 1896, drawn at the drawings and unpaid or partially paid shall be treated in all respects in the same manner as the undrawn bonds.

32. The interest in arrear on the two debts, calculated up to the 31st December, 1904, shall be exchanged at par.

33. In order to receive the rates of conversion stipulated above the bonds of the debts to be exchanged must bear all their unpaid, partly paid, and unmatured coupons.

Should unmatured coupons be missing, the amount of these shall be deducted proportionately to the value fixed in Article 31 from the amount of the bonds of the Diplomatic Debt to be received. Should matured coupons be missing, their value shall be deducted at par.

The coupons matured up to the 31st December, 1904, shall be exchanged for bonds of the 3 per Cent. Diplomatic Debt, issue of 1905, at the rate of par for the amount which may not already have been paid on those coupons without it being necessary to produce at the same time the corresponding bonds. The coupons not matured up to the above-mentioned date shall not be exchanged without their being accompanied by the corresponding bonds.

34. The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" are charged with the operations of the conversion and with the arrangement of all the details relating thereto. Ten days after the receipt of communication from the Government of the Decrees provided for in Article 41 they shall cause the conditions of the conversion to be published in the newspapers of London and Berlin, stipulating that the operations shall be commenced within a period of thirty days dating from that publication. In case it should be impossible to deliver to the holders of the old bonds the new bonds before the due date of their first coupon, the Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" shall have the right to issue provisional certificates. The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" undertake to exchange the provisional certificates which they may have issued for definitive bonds of the Diplomatic Debt, issue of 1905, so soon as the definitive bonds are signed by the Financial Agent in Europe of the Government of Venezuela.

35. The conversion shall remain open during a period of three years after the date at which it is opened. At the end of this period the balance of the bonds of the Diplomatic Debt, issue of 1905, shall be placed by the Council of Foreign Bondholders and by the "Direction der Disconto-Gesellschaft" at the Bank of England, which, acting as Trustee for the Government of Venezuela and for the holders of the old bonds, shall be charged by the Government of Venezuela with the continuance of the exchange of the old debts on the conditions provided above, for a period of twenty years for the bonds and of five years for the matured coupons, dating from the commencement of the conversion.

The bonds and coupons of the old debts not presented within the period fixed in this Article shall be excluded from subsequent exchange, and after twenty years the balance of the bonds of the Diplomatic Debt, issue of 1905, shall be returned by the Bank of England to the Government of Venezuela.

36. The bonds and coupons of the old debts which shall have been accepted at the conversion shall be cancelled by the Council of Foreign Bondholders or the "Direction der Disconto-Gesellschaft," and held at the disposal of the Government of Venezuela.

37. The bonds of the new debt in excess of the sum required for the conversion of the old debts at the rates mentioned in Articles 31 and 32 shall be placed at the disposal of the Council of Foreign Bondholders and of the "Direction der Disconto-Gesellschaft."

These two institutions undertake to pay all the expenses, including the cost of printing the new bonds, of stamps and of the advertising occasioned by the conversion, by the application of the above-mentioned excess.

38. The Government of Venezuela shall pay to the Council of Foreign Bondholders and to the "Direction der Disconto-Gesellschaft," conjointly, for the operations necessary for the payment of the coupons, the repayment of the bonds drawn at the drawings, tenders, purchases on the market, and in general for the administration of the service, a commission of $\frac{3}{4}$ per cent. calculated upon the annuity for the service.

39. The sums corresponding to the amount of the coupons which may not have been presented for encashment within the five years following their due dates, and those corresponding to the amount of the amortized bonds which may not have been presented for encashment within the twenty years following the date designated for their repayment, shall be returned to the Government of Venezuela by the Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft."

40. The Council of Foreign Bondholders and the "Direction der Disconto-Gesellschaft" shall credit the Government, in respect of the product in cash of each remittance of funds for interest and amortization which shall be made to them, with the interest allowed in London by the great banks upon deposits repayable on demand; nevertheless, this interest shall cease fifteen days before the date of the half-yearly payment of the coupons and of the amortization.

41. Within a period which shall not exceed fifteen days after the signature of this Contract, a resolution ratifying the same having been passed by a general meeting of the holders of the bonds of the Consolidated Debt of 1881, the Council of Foreign Bondholders shall transmit this ratification to the Government of Venezuela. Within the same period the "Direction der Disconto-Gesellschaft" shall transmit to the Government of Venezuela the concurrence of the holders of the majority of the bonds of the 5 per Cent. Loan of 1896.

Immediately after it has received the above-mentioned ratification of the bondholders, the Government of Venezuela shall issue the Decrees necessary in order to put into force the present Contract, and shall bring the same to the cognizance of the Council of Foreign Bondholders and of the "Direction der Disconto-Gesellschaft."

Done in three copies.

Paris, the 7th June, 1905.

In the name of the Government of the United States
of Venezuela:

J. A. VELUTINI, *Financial Agent of the
Government of the United States of
Venezuela.*

London, the 7th June, 1905.

For the Council of Foreign Bondholders and the
Committee of the Holders of the Bonds of the
Consolidated Debt of 1881:

AVEBURY.

Berlin, the 7th June, 1905.

“Direction der Disconto-Gesellschaft”:

DR. SALOMONSOHN.
SCHLIEPER.

*AGREEMENT between Germany and China respecting the
Establishment of a Maritime Customs Office at Tsintau
(Kiao-chau).**—Signed at Peking, April 17, 1899.

(Translation.)

ART. I. The Commissioner or Chief of the Maritime Customs Office at Tsintau is to be of German nationality. The Inspector-General of Customs will come to an understanding with the German Legation at Peking in case of appointing a new Commissioner.

II. The members of the European staff of the Maritime Customs Office at Tsintau shall, as a rule, be of German nationality; in case, however, of a suddenly occurring vacancy or of temporary requirements of the Service, members of other nationalities may be provisionally sent to Tsintau.

III. The Inspector-General of Maritime Customs will inform the Governor of Kiao-chau beforehand about all changes in the staff of the Customs Office at Tsintau; this, however, does not apply to the employes of the Chinese staff.

IV. All correspondence between the Customs Office at Tsintau and the German authorities and German merchants shall be conducted in the German language. Should, however, merchants of other nationality come to reside at Tsintau, they shall be at liberty to correspond in their language; correspondence in Chinese shall be likewise permitted.

V. On merchandize brought by sea to Tsintau no import duty shall be levied. Import duty, according to existing Treaties, shall be levied by the Maritime Customs Office on all merchandize or products passing the German frontier of Kiao-chau into the interior of China. The German authorities agree to take suitable measures to assist, as far as it is possible, in the prevention of merchandize passing the German frontier when not provided with a permit or pass by the Maritime Customs Office.

VI. When Chinese merchandize or products brought from the

* Tsintau was opened as a free port on the 2nd September, 1898. See Vol. XC, page 1039.

interior of China into the German territory of Kiao-chau are shipped from Tsintau to other places they will pay the export duty according to existing Treaties. Produce raised in, and merchandize manufactured from produce raised in, or imported by sea into, the German territory of Kiao-chau shall pay no export duty. The duty to be paid by articles manufactured in the German territory from materials brought there from the interior of China will be settled later.

VII. Chinese merchandize or products brought from Chinese Treaty ports to Tsintau shall pay no duty as long as they remain inside German territory; but if such Chinese merchandize or products pass the German frontier into the interior of China, they shall pay according to existing Treaties.

VIII. Chinese merchandize shipped from Tsintau, and having paid export duty accordingly, shall be provided with a receipt, on the production of which it shall pay, on being landed at a Chinese Treaty port, a coast-trade duty according to existing Treaties.

IX. For European and other non-Chinese merchandize, on being shipped to Tsintau from a Chinese Treaty port, the import duty paid at the latter port shall be refunded by drawback according to Article XXVI of the German-Chinese Treaty of 1861.* On being imported into Tsintau such merchandize shall pay no duty so long as it does not pass the German frontier into the interior of China. On being re-exported from Tsintau to other places outside China, such merchandize shall pay no export duty.

X. Chinese merchandize or products having been shipped from a Chinese Treaty port to Tsintau, and re-shipped from there to places outside China, shall on that occasion pay no export duty if documentary evidence is produced of their having paid export duty at the Treaty port from which they came.

XI. The Maritime Customs Office at Tsintau shall take no part in the collection or administration of tonnage dues, lighthouse dues, or port dues.

XII. The Customs Tariff in vigour in the Chinese Treaty ports shall be applied likewise by the Maritime Customs Office at Tsintau.

XIII. The Maritime Customs agrees to levy on all opium brought to Tsintau the same duties and taxes (*li-kin*) as are levied on opium in Chinese Treaty ports. The duties and taxes collected on opium which enters for consumption in German territory shall be collected by the Maritime Customs for account of the German Government, and be paid over to the latter at certain intervals to be fixed at convenience.

XIV. The Government of Kiao-chau agrees to set apart for the Maritime Customs Office sufficient space at Tsintau for building

* Vol. LI, page 1248.

offices, lodgings for the staff, with a site suitable for garden, stables, and servants' quarters. The amount to be paid for the sale or lease of such ground is to be settled locally by mutual agreement.

XV. The Chief of the Customs Office and the members of the staff shall be free from any obligation to act as jurors or assessors or from any other personal services.

XVI. The Maritime Customs Office at Tsintau, as designated in the above Articles, shall take charge of the collection of duties, taxes, or *li-kin* on all Chinese-built vessels (junks) coming to Tsintau or to other places in the Bay of Kiao-chau, and on all merchandize brought in such vessels. The duties, taxes, and other charges collected from Chinese-built vessels or from merchandize brought by them to Tsintau shall not exceed the charges which have hitherto been levied from such vessels and such merchandize at Tsintau, or in other places in the Bay of Kiao-chau. Should at any time the charges levied on Chinese-built vessels and on merchandize brought by them to other ports in the Province of Shantung be less in amount than such charges in the Bay of Kiao-chau, the latter shall be reduced to the amount levied in those other ports.

XVII. The aforesaid Maritime Customs Office at Tsintau shall likewise be charged exclusively with the granting and issuing of transit passes for merchandize going into the interior of China, as well as for merchandize coming from the interior of China to Tsintau; and that Office shall, in addition, enjoy all and every function, right, or capacity which appertain in the Treaty ports to the so-called Chinese Customs Taotai.

XVIII. As regards the transit passes mentioned in Article XVII the duty, according to existing Treaties, *i.e.*, half of the amount of the export or import duties, shall be collected by the Maritime Customs Office at Tsintau.

XIX. The procedure to be observed in case of frauds or contraventions committed by merchants against the Maritime Customs rules shall be settled hereafter by a separate Agreement, but it is understood in principle that all judicial procedure rests with the German Tribunals at Tsintau.

XX. In view of the possibility that, with the development of commercial activity at Kiao-chau, new requirements may arise which are not to be foreseen, it is understood that the present Agreement bears a provisional character, and that both Parties to it agree to introduce amendments as soon as required for the purpose of remedying inconveniences which may arise in the practical execution of this Agreement.

Signed at Peking, the 17th April, 1899.

HEYKING, *Minister of Germany.*

ROBERT HART, *Inspector-General of Customs.*

AGREEMENT between China and the Powers Signatories of the Final Protocol of the 7th September, 1901, respecting the Whangpoo Conservancy.—Signed at Peking, September 27, 1905.*

LE Gouvernement Chinois étant désireux de substituer aux dispositions du Protocole de 1901, visant l'institution d'un Conseil Fluvial pour la Rivière Whangpou et les attributions et ressources de ce Conseil, un *modus procedendi* nouveau, en faisant exécuter lui-même les travaux et en prenant à sa charge la totalité des dépenses, et les Puissances Signataires du Protocole Final ayant souscrit à ce désir, il a été convenu des conditions énoncées ci-après :—

ART. I. Le Taotai des Douanes et le Commissaire des Douanes de Shanghai sont chargés de la direction générale des travaux de rectification du cours du Whangpou et d'amélioration de la barre en deçà et au delà de Wousung, ainsi que de leur entretien.

Pour la police fluviale et sanitaire, l'éclairage et balisage, le service de pilotage, &c., il sera procédé suivant les anciens Règlements.†

II. Trois mois après la signature du présent Accord la Chine fera elle-même choix d'un ingénieur versé dans les questions des travaux fluviaux, et si la majorité des Représentants des Puissances Signataires du Protocole Final estime que l'ingénieur ainsi choisi possède les qualités requises, la Chine le désignera sur-le-champ pour entreprendre les travaux.

Dans le cas où, après le commencement des travaux, il y aurait lieu, pour des raisons jugées valables par la majorité des Ministres intéressés, de procéder à son remplacement, le choix et la désignation du nouvel ingénieur s'effectueront dans les mêmes conditions que ci-dessus.

III. Pour tous les contrats d'entreprise générale ou partielle des travaux fluviaux, d'achat de matériel ou de machine, &c., il sera procédé par voie de soumission publique, l'adjudication devant être faite au soumissionnaire offrant les conditions les plus avantageuses.

IV. Tous les trois mois un rapport détaillé sur les travaux exécutés et un état des dépenses effectuées seront établis et adressés pour examen au Corps Consulaire à Shanghai.

V. L'autorisation du Taotai et du Commissaire des Douanes de Shanghai sera nécessaire pour la construction de quais et de jetées, ainsi que pour l'établissement de tous pontons ou maisons flottantes dans la rivière.

VI. Le Taotai et le Commissaire des Douanes de Shanghai

* Vol. XCIV, page 686.

† Vol. XCIV, page 709.

auront le droit d'exproprier les appareils de mouillage fixes existants, et d'établir un système d'appareils de mouillage publics dans la rivière.

VII. L'autorisation du Taotai et du Commissaire des Douanes sera nécessaire pour l'exécution des travaux de dragage et autres.

VIII. Le Taotai et le Commissaire des Douanes auront le droit d'acquérir tous terrains situés en dehors des Concessions étrangères, nécessaires à l'exécution des travaux d'amélioration et de conservation du Whangpou, et de disposer des dits terrains. Si, dans cet ordre d'idées, il était jugé utile d'exproprier des terrains, et si ces terrains étaient la propriété d'étrangers, le prix sera fixé par une Commission composée de—

1. Une personne choisie par l'autorité Consulaire, dont le propriétaire est ressortissant.

2. Une autre choisie par le Taotai et le Commissaire des Douanes.

3. Une autre choisie par le doyen du Corps Consulaire.

Si le doyen du Corps Consulaire se trouvait être le Consul du propriétaire, le troisième membre de la Commission serait choisi par le Consul le plus ancien après le doyen. Le Consul de qui ressortira l'intéressé devra assurer l'exécution de la décision arbitrale. S'il s'agissait de propriétés Chinoises, la Douane procéderait à l'estimation et fixation du prix et à l'exécution de la décision dans des conditions analogues.

Les propriétaires riverains, tant Chinois qu'étrangers, auront un droit de préférence pour l'achat ou la prise à bail de tout terrain créé en avant de leurs propriétés par les assèchements effectués pour l'amélioration de la voie fluviale. Les prix d'acquisition de ces terrains seront fixés par une Commission constituée ainsi qu'il est prescrit au paragraphe précédent ou suivant le cas par l'autorité douanière.

IX. Le Gouvernement Chinois prend à sa charge la totalité des dépenses des travaux fluviaux sans percevoir aucune taxe ou contribution sur les terrains riverains ni sur le trafic des marchandises ou la navigation.

X. La Chine indique et donne, comme garantie de la totalité des dépenses des travaux, les droits entiers sur l'opium de Ssetchouan et de Ssutchoufou au Kiangsou. Conformément aux prévisions du Protocole de 1901, elle consacrera à ces travaux annuellement, et pendant vingt ans, une somme de 460,000 Haikouan taels. Si, dans le courant d'une année quelconque après le commencement des travaux, les achats de matériel ou de machines, &c., nécessitent une dépense exceptionnelle, la Chine, pour y faire face, pourra contracter un emprunt au moyen de bons gagés sur le revenu des droits sur l'opium précités. Pour

l'amortissement et le service des intérêts de cet emprunt, ainsi que pour les dépenses de toute nature afférentes à l'exécution des travaux ou à l'entretien des travaux déjà terminés, la Chine fournira annuellement un minimum de 460,000 Haikouan taels. Les autorités provinciales compétentes remettront cette somme, par versements mensuels égaux, entre les mains du Taotai et du Commissaire des Douanes de Shanghai.

Si les revenus désignés devenaient insuffisants, le Gouvernement Chinois devra fournir la somme spécifiée sur d'autres ressources.

XI. Si les travaux n'étaient pas effectués avec diligence, soin, et économie, le Corps Consulaire, sur une décision prise à la majorité des votes, pourra signaler le fait au Taotai et au Commissaire des Douanes de Shanghai, et leur demander de prescrire à l'ingénieur de prendre les mesures nécessaires pour y remédier; si l'exécution des travaux continue à être défectueuse, le Corps Consulaire pourra de même recommander le renvoi de l'ingénieur, ainsi que le choix et la désignation d'un autre, dans les conditions prévues à l'Article II. Dans le cas où le Taotai et le Commissaire des Douanes de Shanghai ne tiendraient pas compte de ces démarches, le Corps Consulaire pourra saisir de la question les Représentants des Puissances intéressées.

XII. Lorsque les présentes stipulations auront été discutées, arrêtées, et signées, les stipulations contenues dans le paragraphe (b) de l'Article XI, et dans l'Annexe 17 du Protocole de 1901, seront suspendues; mais si la Chine ne fournit pas annuellement les fonds suffisants, conformément au nouvel Accord, de telle manière que l'exécution des travaux s'en trouve entravée, ou si elle omet de se conformer à quelque autre stipulation essentielle du présent Arrangement, les stipulations primitives du Protocole de 1901 et de l'Annexe 17 reprendront immédiatement leur force.

Fait à Pékin, le 27 Septembre, 1905.

(Signature du PRINCE DE CH'ING.)

A. v. MUMM.

A. VON ROSTHORN.

E. DE GAIFFIER.

MANUEL DE CARCER.

W. W. ROCKHILL.

G. DUBAIL.

ERNEST SATOW.

C. BAROLI.

Y. UCHIDA.

A. J. CITTERS.

G. KOZAKOW.

[Sceau de Wai-wu Pu.]

*GERMAN HARBOUR REGULATIONS for the Port of
Tsintau (Kiao-chau Bay).—Tsintau, May 23, 1899.**

(Translation.)

§ 1. THE port of Kiao-chau Bay consists of an outer and an inner harbour. The limits of the outer, or Tsintau Bay, lie between a line drawn from Pile Point to the east point of Clara Bay and a line connecting Cape Evelyn with Junuisan. The inner harbour begins with the line last mentioned, and is bounded on the north by a line drawn from Womans Island to the north point of Huangtau (Chiposau).

The anchorage for the different vessels and boats is marked on the annexed map.†

§ 2. Masters of vessels entering the harbour shall, in mooring their ship, act in accordance with instructions received from the Harbour Captain or his officers.

§ 3. Masters must report the arrival and departure of their vessel and deposit the ship's tonnage certificate at the Harbour Office. After receipt of the Customs clearance and payment of the harbour fee of $2\frac{1}{2}$ cents for each registered ton, the ship's tonnage certificate will be returned.

Masters of vessels are bound to deliver any mail matter on board to the German Post Office; on leaving the port they are likewise bound to take over and carry with them any mail matter handed to them by the German Post Office, and to see to the correct delivery of the same at the port of destination. Vessels with mail matter on board, on entering the port, shall notify this by flying the flag T. It is strictly forbidden to accept mail matter, except that given over by the German Post Office, or to hand over mail matter to any but the German Post Office.

§ 4. Every master of a vessel is required to hand an exact list of goods on board (manifest) to the Chinese Customs Office, specifying the quantity of packages, and the marks, numbers, contents, &c.; if called for, full particulars must be supplied for statistical purposes.

Opium may only be imported in original chests. The import of lesser quantities is forbidden. On arrival the opium must be immediately reported to the Customs, which will supervise its transfer to the Customs godowns. In default, the opium will be

* Tsintau was opened as a Free Port on the 2nd September, 1898. ("London Gazette," September 13, 1898.) These Regulations are printed to replace the incorrect copy given in Vol. XCV, page 608, under date of January 15, 1899.

† Not printed.

confiscated and a fine of the value of the opium will be exacted (minimum, 500 dollars).

§ 5. The import of arms, gunpowder, explosive materials, and any other substances used for their manufacture, is subject to official control. Such goods must be specially reported to the Harbour Office on arrival.

Vessels arriving with petroleum or explosive materials on board shall take up such berths as are designated for this purpose on the map, and must remain there until their cargo has been discharged at a place indicated by the Harbour Office. Vessels loading or discharging explosive material must fly a red flag at the fore.

Before shipping or discharging explosive materials in port, the special permission of the Harbour Office must be obtained; in each case the instructions received from the Harbour Office must be complied with.

§ 6. Vessels with an infectious disease on board must fly a yellow flag at the fore. Before the permission of the Harbour Office is obtained no one is allowed to leave the vessel or to have any communication with the shore.

§ 7. On entering and leaving the port in day-time the ship must hoist the national flag.

§ 8. Seamen must be discharged at the Harbour Office or at the Consulate representing the nation to which the ship belongs. Every seaman discharged must, within twenty-four hours of being discharged at a Consulate, report himself at the Harbour Office and present the certificate of his discharge.

No master of any ship shall leave behind any seaman without the sanction of the Harbour Office or of the Consulate representing the nation to which the ship belongs. When there is a danger of a seaman becoming destitute if left behind, this sanction may depend on a sufficient security being given by the master to prevent the seaman becoming destitute within a period of three months.

No seaman may arbitrarily remain behind in the port.

§ 9. Seamen deserting may, by the intermediary of the Harbour Office, be apprehended and return on board the vessel. Ships and houses may be searched for such deserters. A penalty will be inflicted on all persons who knowingly shelter deserters from ships.

§ 10. In the event of the death of a passenger or seaman occurring on board of any vessel in port, the master shall forthwith report the same to the Harbour Office, and, subsequently, with the exception of Chinese subjects, to the Registrar.

§ 11. Disputes between the master and crew of a vessel, the nationality of which is not represented by a Consulate in the Protectorate, are decided at the Harbour Office. In order to enforce its decision the Harbour Office may, at its discretion, inflict

a fine not exceeding 350 dollars, or imprisonment for a period not exceeding six weeks.

§ 12. All vessels lying at anchor in port are required to exhibit a white light at a visible place from sunset until sunrise.

In cases of fire or mutiny on board, signals of distress (bell ringing or flag signals) shall be made in order to notify the Harbour Office.

§ 13. It is forbidden to throw ballast, ashes, or refuse into the waters within the harbour limits.

Persons owning or in charge of anything which causes an obstruction in the harbour must remove the same.

If, after due notice has been given, the obstacle is not removed, the harbour police may cause it to be removed, and recover the expenses of removal from the owner.

No person, unless legally authorized to do so, may go on board a vessel without permission of the master or the officer in charge.

No junks, lighters, or such like vessels, are allowed to make fast to a ship without the permission of the master or officer in charge.

§ 14. Buoys may only be laid with the sanction of the Harbour Office. Loose buoys must be lighted from sunset to sunrise. The buoys are subject to the control of the Harbour Office. The Harbour Office, for the sake of the safety and working of the port, may shift or remove them at its discretion.

§ 15. In case of contravention of §§ 10 and 14 of the Regulations, a fine not exceeding 25 dollars, of §§ 2, 3, and 12, a fine not exceeding 100 dollars, of §§ 5 and 6, a fine not exceeding 2,000 dollars, will be inflicted.

In case of contravention of § 8, the master will be subject to a penalty not exceeding 100 dollars, and the seamen to a penalty not exceeding 25 dollars, or imprisonment for a term not exceeding twenty-five days.

In case of contravention of § 13 of the Regulations, a fine not exceeding 50 dollars, or, in case of non-payment, imprisonment not exceeding one month will be inflicted.

In case of contravention of § 9, a fine not exceeding 250 dollars will be exacted, or imprisonment not exceeding three months.

These Regulations come into force on the 1st July, 1899.

Tsintau, May 23, 1899.

JAESCHKE, *Imperial Governor*.

Approved:

(For the Imperial Chancellor),

TIRPITZ.

Berlin, September 19, 1899.

GERMAN ORDINANCE regulating Procedure in Customs Matters in the Kiao-chau Territory.—Tsintau, December 2, 1905.*

(Translation.)

1. *General Rules.*

§ 1. ALL goods imported by sea into or exported from the German territory, with only such exceptions as are specified below, are subject to duties on importation or exportation at the rates specified in the Chinese tariff for foreign trade for the time being in force. Goods forwarded to or coming from the interior under transit pass must pay the Treaty transit dues in addition to the import or export tariff duty.

§ 2. The Customs procedure is guided by the principles and follows the practice which are in force at the Chinese Maritime Custom-houses at the various Treaty ports, and Customs control wherever necessary is exercised by its officers.

§ 3. Import and export manifests of all vessels made out in accordance with the provisions of Treaties must be handed to the Customs. The manifests are to be signed either by the master of the vessel, who in that case is held responsible, or by the agent of the vessel, in which case he will be responsible.

§ 4. Junks repairing to the special points they frequent excepted, no vessel is allowed to work cargo until import manifest has been handed in to the Customs, or to permit cargo to leave the ship outside the free area until Customs permit has been issued. Applications for goods to be landed or shipped outside the free area must specify the locality—what jetty, &c.—they are to be landed at or shipped from.

2. *Free Area.*

§ 5. The free area comprises the great harbour including the moles, the wharf territory and the inclosing embankment, and the territory in front of the harbour as far as the chief railway embankment. It is limited in the south-west by a line between the inner harbour and the railway embankment near the junction of Rechternstrasse and Grosse Hafenweg, and in the east by a line between the railway and the inclosing dam near the block station. An extension of the free area is reserved for later use at any time according to requirement. The following are the boundaries of the area kept for possibly required extension in the future, viz., the

* The Kiao-chau Custom-house was opened at Tsintau on the 1st July, 1899. See Agreement of April 17, 1899, page 1049.

railway embankment to the block station, including territory to be filled in on the one side to the extent of 200 mètres east of the inclosing dam; on the other side (west), to the railway viaduct off the Shansistrasse along the road to Oster's Slip, including small and large harbours.

§ 6. The free area shall not be made use of for dwellings, with the exception of those which are necessary for warehouse and wharf controllers, harbour, customs, and police officers, nor for petty trade, with the temporary exception of a fixed number of Chinese street cookeries for the use of coolies. Factories are, in principle, allowed.

§ 7. The Customs control within the free area, as well as at the exits, is exercised by the Chinese custom-house.

§ 8. The customs duty account of all vessels must be settled within ten days of the ship's clearance, and duty on all imports passing beyond the free area paid.

§ 9. Goods arriving by sea or from the hinterland, which are intended to be stored, sorted, and worked up in the free area, shall be notified to the Customs, who will then take them under supervision. At the time of the notification the following details have to be supplied: mode of conveyance by which the goods arrived, and, if by sea, name of ship, name and address of consignee, date of arrival, number of packages, kind of packing, marks and numbers, and general description of the goods.

§ 10. Goods which are destined to be exported by sea from the free area have to pass the Customs. Goods without Customs papers are not allowed to be received on board.

§ 11. Traffic of every kind (carriages, carts, railway, junks, sampans, tugs, steamers, &c.) by sea and land frontier of the free area is subject to the supervision of the Customs.

3. Duty-free Goods.

§ 12. On articles which are duty free by Treaty no duty will be levied. The following are duty free:—

For the German Troops.

(a.) Articles for arming and outfitting the troops, including uniforms, if directly ordered by the military or naval authorities and if accompanied by certificate of the Government.

(b.) Stores and provisions ordered by the military and naval authorities in anticipation of future requirements, if accompanied by certificate of the Government.

For the General Public.

(c.) Machinery, plant, as well as parts of machinery, implements and tools required for manufacturing, industrial, and agricultural purposes; also all building materials, fittings, and other articles for public and official works. A written bond for the value of the goods must in each case be handed to the Customs certifying that the articles are solely for use in the German territory. If, later, they are to be conveyed into China, they must be declared to the Customs and pay import duty. Failure to do so will involve enforcement of the bond for recovery of double the amount of duty on the value specified in it.

(d.) Articles (vehicles and such like) passing to and fro between the free area and outside, for ordinary repairs; but they are to be reported to the Customs officer, that their passing may be noted.

(e.) All postal parcels imported and destined for private use in the German territory, if the duty, which has to be taxed in accordance with the attached declaration, does not exceed 1 dollar (value 20 dollars). The Customs are at liberty to examine such parcels and verify the declarations as occasion demands.

§ 13. The personal luggage of passengers, declared as not containing either dutiable or contraband goods, is passed free of duty, and, as a rule, without examination; but the right of examination is reserved to the Customs in cases where it may be considered specially necessary.

Duty is leviable on articles carried in excess of those reasonably necessary for personal use or if expected to be sold.

4. Manufactures in the German Territory.

§ 14. Manufactures in the German territory are only subject to duty in so far as China is entitled to duty on the raw material.

(a.) Chinese raw material landed in German territory from the hinterland or non-Treaty ports and intended for use in a manufactory may be declared to the Customs and a bond for any duty payable on the same deposited.

When the articles manufactured from such raw material come to be exported, they will pay export duty on the material used, and the duty guaranteed by the bond shall be cancelled to that extent.

Duty guaranteed by the bond must be paid or accounted for before the expiration of three years from its date.

It will be optional for the exporter to pay full tariff duty on

the exported article instead of on the raw material used in its manufacture.

(b.) Any import or coast trade duty levied on raw material arriving from foreign countries or from the Treaty ports of China will be refunded at the time of exportation by sea of the manufactured articles made therefrom, provided that at the time of importation such material was duly declared at the Custom-house as for use in a manufactory.

(c.) An arrangement will be made by agreement between Colonial and Customs authorities that, when the various classes of manufactured articles are exported, the amount of raw material used will be fixed as a definite proportion and the export duty will be diminished accordingly.

(d.) The factories entitled to claim the treatment as specified above will be registered, and a list of them will be revised as required and, if needed, furnished to the Customs.

5. *Opium.*

§ 15. Opium can only be imported by vessels in original chests. The importation of smaller quantities than one chest is forbidden. All opium on board of ships, including that intended for consumption during the journey, must, on arrival of the ship, be reported without delay to the Customs, who will supervise the transportation to the Customs godown of so much as is to be landed.

§ 16. Opium from the German territory to China, or from China to the German territory, can only be conveyed by rail, on special bill of lading and as "Eilgut." It is forbidden to carry it as passenger's luggage. All bills of lading, &c., for opium arriving are handed by the railway to the Customs in the German territory, who will notify the addressees.

§ 17. The consumption of opium in the German territory is subject to special regulations.

6. *Arms, Powder, Explosives, &c.*

§ 18. Arms, powder, explosives, and the like, as well as materials used in the manufacture of the same, must be declared on arrival, and discharged and stored in accordance with the regulations of the Colonial Government.

§ 19. The export of arms and munitions of war of all kinds, as well as materials used in the manufacture of the same, from the German into Chinese territory is prohibited; exception is only made in the case of articles covered by special permit issued by the Commissioner of Customs in accordance with Chinese regulations.

§ 20. The storage of arms and explosives in the German territory, as well as the trade in the same, is subject to special regulations.

7. *Mail Matter.*

§ 21. Mail matter may be landed or shipped by the Post Office at any time.

§ 22. Postal parcels will be received by the Post Office only if accompanied by a declaration form viséd by the Customs.

§ 23. Parcels destined for Tsintau will be handed, immediately after arrival, by the Post Office to the Customs for assessment of duty. The declaration form will be delivered to the addressee in the same way as other mail matter. The addressee will produce the declaration form at the Customs, and on payment of duty, if any (*vide* § 12, (e)), the parcel will be delivered by the Customs. For such parcels as are destined for other places in the German territory where German post offices operate, the duty payment of such parcels will be made, on application of the addressee, by the German Post Office, who will collect the duty and a fee of 20 cents at the time of delivering the parcel.

§ 24. The importation by post of opium, arms, powder, explosives and the like, as well as materials used in the manufacture of the same, is forbidden. In special cases the Government can grant an exception.

8. *Tank Kerosene Oil.*

§ 25. The Customs procedure for dispatching tank ships and for the storage and valuation of kerosene oil will be in accordance with the procedure in force at the Maritime Custom-houses at the Treaty ports.

9. *Office Hours of the Custom-house.*

§ 26. The Custom-house is open for the receipt and issue of all Custom papers from 10 A.M. to 4 P.M. on all days, Sundays and holidays excepted. The Customs Bank is open on all week days from 9 A.M. to 12 A.M. and 2 P.M. to 4 P.M.

§ 27. Vessels wishing to load or discharge on Sundays or holidays, as well as during night hours, must take out a special permit from the Customs; this permit must be applied for during office hours.

§ 28. The transport of goods over the land and sea boundary of the free area during night hours is only allowed in case a special permit has been obtained from the Customs. This does not apply to mail matter and passengers' luggage.

§ 29. Night hours are :—

From the 1st March to the 31st October : from 8 P.M. to 5 A.M.

From the 1st November to the 28th/29th February: from 6 P.M. to 6 A.M.

10. *Fines.*

§ 30. Confiscation and fines will be imposed according to the principles which are laid down by the Treaties and which are in force at the Maritime Custom-houses. In cases of appeal against confiscation and fine imposed by the Commissioner of Customs, the procedure will be conducted in accordance with the spirit of the "Rules for Joint Investigation in Cases of Confiscation and Fine by the Custom-house authorities, dated Peking, the 31st May, 1868."

11. *Abrogation of Former Regulations.*

§ 31. This Ordinance, issued to carry out the terms of the Agreement made on the 17th April, 1899,* and of the amendment to same made under its 20th paragraph on the 1st December, 1905, and accepted by the Chinese Customs authorities, will come into force on the 1st January, 1906, and will take the place of the following Regulations, which are hereby rescinded:—

(a.) The Provisional Customs Regulations for the German Territory of Kiao-chau, of the 23rd May, 1899.†

(b.) The Special Regulations for the Importation and Control of Opium, &c., of the 23rd May, 1899.‡

(c.) The Special Regulations *re* the Execution of the Customs Control, of the 23rd May, 1899.

(d.) The Provisional Additional Regulation to the Provisional Customs Regulations concerning Goods loaded by the Shantung Railway, of the 20th April, 1901.

(e.) The Customs' Notification No. 24 regarding the Goods loaded by the Railway, of the 31st March, 1902.

Tsintau, December 2, 1905.

VAN SEMMERN, *Colonial Governor*, p.t.

REGULATIONS for the Issue by the Kiao-chau Customs of Inland Waters Navigation Papers.—Peking, April 17, 1904.

(Translation.)

1. THE Kiao-chau Customs having been formally authorized to function in Tsintau are now empowered to issue inland steam navigation papers: Steamers thus permitted to ply on the inland waters are to be guided generally by the rules and regulations of July and September, 1898,§ and the additional rules of

* Page 1049.

† Vol. XCV, page 611.

‡ Vol. XCV, pages 612, 614.

§ Vol. XC, pages 430, 432.

September, 1902,* but more especially by the regulations herebelow set forth.

2. Steamers about to ply in the inland waters are required to deposit their national papers, foreign or native, with the Customs, and will receive in exchange, on written application, the inland water certificate. Such certificates are valid for one year, and a fee of 10 taels is payable on first issue, and of 2 taels for each annual renewal. Tonnage dues are payable once every four months.

3. Such certificated steamers may ply either (a) freely in the Tsintau waters or (b) according to regulations (1) from Tsintau to a place or places inland and back, and (2) from Tsintau to a place inland, thence to a Treaty port, thence to a place inland, and thence back to Tsintau. On making due report to the local Customs or Tax Office, and paying local dues or duties, they may land or ship cargo or passengers at any recognized places of trade passed on the voyage; but they may not ply between inland places exclusively without special authority. If visiting another Treaty port on any such inland voyage, the Customs at such port are to be duly reported to and all port regulations, national and native, complied with.

4. Whenever certificated steamers quit or return to Tsintau, they are to clear from and report to the Kiao-chau Customs, handing in outward and inward manifests of cargo, reporting places to be called at or called at, and paying the prescribed duties. Opium and contraband goods are not to be carried inwards or outwards; if carried, the goods are confiscable and the vessel subject to a fine of 500 dollars, a second offence entailing withdrawal of inland waters certificate and privileges.

5. Certificated steamers are required to carry the Imperial Chinese Post Office mails free of charge, and the Postal Department of the Kiao-chau Customs is empowered to transact all required postal business in this connection independently or in communication with the Colonial Post Office.

6. The Colonial Government will assist the Kiao-chau Customs to suppress smuggling—more especially the smuggling of opium and contraband—and accord special facilities to develop the legitimate business of the Postal Department.

Signed at Peking, the 17th April, 1904.

A. v. MUMM, *Minister of Germany.*

ROBERT HART, *Inspector-General of Customs.*

* Annex (C) to British Treaty of the 5th September, 1902. Vol. XCV, page 54.

*DANISH LAW respecting Trade-marks in Iceland.—Amalienborg, November 13, 1903.**

(Translation.)

WE Christian IX, by the grace of God King of Denmark, the Vandals and Goths, &c.,

Hereby proclaim :

The Althing has passed, and we have by our consent confirmed, the following Law :—

§ 1. Any person who carries on in this country a manufacture or

* Applied to Great Britain and Ireland by Royal Decree of July 20, 1907, as follows :—

DECREE of the King of Denmark applying to Great Britain and Ireland the Law of the 13th November, 1903, granting Protection to Foreign Trade-marks.—Amalienborg, July 20, 1907.

(Translation.)

WE, Frederik VIII, by the grace of God King of Denmark, the Vandals, and Goths, &c., hereby proclaim :

Whereas the same protection of trade-marks in Great Britain and Ireland has been granted to those who carry on in Iceland a manufacture or handicraft, agriculture, mining, commerce, or other trade as to the subjects of these said countries, now We prescribe, in correspondence with the authority given in the Law of November 13, 1903, § 15, concerning trade-marks, as follows :—

The protection of trade-marks warranted in the Law of November 13, 1903, is hereby extended to comprise those who in Great Britain and Ireland carry on manufacture or handicraft, agriculture, mining, commerce, or other trades on the following conditions :

1. The application shall be accompanied by proofs to the effect that the applicant has fulfilled the conditions required in Great Britain and Ireland to obtain protection of the trade-mark.

2. In all cases relating to the trade-mark the applicant must accept the Reykjavik town Court as the venue, and nominate an attorney residing in Iceland, who, on his behalf, may receive notice of action.

3. The trade-mark is not protected to any greater extent, or for a longer period than in Great Britain and Ireland.

4. The trade-mark is registered in so far as it is not opposed to morality or public order, in the shape authorized in Great Britain and Ireland.

5. If an application for a trade-mark has been filed for registration in Iceland not later than four months subsequent to its having been filed in Great Britain and Ireland, such application, when compared with other applications, shall be considered as filed simultaneously with the filing of the application in Great Britain and Ireland.

This Act enters into force at once.

Whereto all persons concerned have to conform.

Issued at Amalienborg, July 20, 1907, under our Royal hand and seal.

(L.S.) FREDERIK, R.

handicraft, agriculture, mining, commerce, or other trade, may, besides the right he has of using his name or that of his firm, or the name of some real property belonging to him by registration in conformity with the provisions of this Law, acquire the sole right to the use of special trade-marks, in order to distinguish in general sale his goods from those of other people. This right shall include all kinds of goods, when in the registration it has not been confined to certain kinds of goods.

The trade-mark shall be placed on the goods themselves or their packages, cases, and the like.

§ 2. The trade-mark register is kept for the whole country in Reykjavik by a Registrar appointed for the purpose by the Governor, and the salary and office expenses of same, from the time when this Law enters into force till the 31st December, 1905, are fixed by the Minister of Iceland, and henceforth shall be allowed in the Budget.

§ 3. Any one who wishes a trade-mark registered shall deliver to the Registrar or send to him in a paid letter an application in writing containing a clear description of the mark and complete information respecting the applicant's name or firm, trade and postal address, and also, in case the right to the trade-mark shall only include certain kinds of goods, a specification of such goods.

The application shall be accompanied by—

(1.) A drawing on durable paper of the trade-mark in triplicate of a length not exceeding 15 centim. (5·74 inches) and a breadth not exceeding 10 centim. (3·82 inches).

(2.) Two blocks or casts of the same size suitable for the printing of the mark.

(3.) A fee of 40 kronas for the registration and its publication.

The Registrar shall as soon as possible deliver to the applicant, or, when the proper address has been given, send by post an acknowledgment in writing of the receipt of the application, as well as the date and hour thereof. To the acknowledgment shall be attached one of the delivered copies of the trade-mark.

§ 4. If, at the time when the present Law is issued, any one is already using certain special marks on his goods or the packing of same, nobody else can by application acquire right of such a use if the former, within a fortnight after the publication of the Law, notifies the marks used by him in the manner prescribed in § 3.

§ 5. The trade-mark cannot be registered—

(1.) If it consists exclusively of numbers, letters, or words which have not such a conspicuously peculiar form, that it can be regarded as a distinctive mark; still registration cannot be refused when the mark consists of words which mean a specially

invented denomination of certain kinds of goods mentioned in the application corresponding with § 3, by which is not intended to indicate the origin, quality, destination, quantity, or price of the goods.

(2.) If, without warrant, it contains any other name or any other firm than that of the applicant, or the name of the real property of any other person.

(3.) If it contains public coats of arms or marks.

(4.) If it contains representations which might cause public scandal.

(5.) If it is completely similar to a trade-mark which has been already registered for another person, or for which due application has been made for registration for another person, or which shows such a similarity to the same, that the marks in their entirety, notwithstanding difference in details, may easily be confounded; registration shall, however, not be refused if the similarity depends upon such signs as are mentioned in § 8, or if the marks refer to different kinds of goods.

§ 6. In case the registration is refused, notice thereof and also the reason for the refusal shall, conformably to § 3, be sent in writing to the applicant.

Should the applicant consider the refusal unwarranted, he may, within three months thereafter, send in the decision of the Registrar to the Governor, which proceeding, however, does not limit the right of the applicant to have the question decided by legal proceedings.

§ 7. When the registration has taken place, publication thereof shall as soon as possible be made in the paper authorized to publish communications from the Government in Iceland, and at the end of each year a notification must be inserted in the "Official Gazette," section (B), *re* the registrations undertaken during the year elapsed.

§ 8. In case a registered trade-mark contains numbers, letters, or words which, in accordance with § 5, cannot be registered separately, or should it wholly or partly, consist of such signs or marks as are generally used in certain kinds of business, other people are not thereby excluded from using the same signs as a trade-mark or a part thereof.

§ 9. The right to a registered trade-mark can only be transferred along with the business in which it is used.

If any person transfers his business, the right to the registered trade-mark which is used in the business passes to the person acquiring the business, unless an agreement is made to the effect that the person making the transfer shall retain the right to the trade-mark, or that both may apply the mark to different kinds of goods.

§ 10. Protection for a registered trade-mark ceases when application for renewal does not take place for the first time within ten years from the date of registration, and afterwards within ten years from the last renewal.

At least four months before the expiration of the before-mentioned periods the Registrar shall, by registered letter, inform the owner of the mark, or his representative (*vide* § 15), that protection for the trade-mark will cease if notification of renewal does not take place in due time. Such letter shall be sent to the address in this country which has been given by the party concerned.

If any person wishes to renew the registration, he shall deliver or send in an application in writing drawn up in conformity with § 3, accompanied by such a drawing as is therein prescribed, and 10 kroner for registration fee. If the mark has been registered for some other person than the one who demands the renewal, the right of the applicant to the mark shall also be proved.

The renewal shall be entered in the register as soon as possible, and such an acknowledgment as is prescribed in § 3 with regard to application for registration of a new mark shall be communicated to the applicant.

If the Registrar finds the application defective, he shall refuse the renewal; as regards notification of the refusal which has taken place, and complaint about the same, the provisions of § 6 shall apply.

§ 11. If the Governor finds that a trade-mark, in accordance with the prescriptions of § 5, Nos. 3 or 4, ought not to have been registered, he will order the registration to be cancelled; the party concerned may, however, obtain the decision of the Tribunals as to whether such order is justifiable.

If a trade-mark has been registered consisting exclusively of signs or marks which are generally made use of in certain kinds of business, a demand for its annulment may be made by any person carrying on such business. In this case, as well as in any other, when anybody supposes that the registration of a trade-mark causes him damage, the question as to the cancelling of the registration shall be settled by the Law Courts.

In case the registration of a trade-mark is refused pursuant to § 5, No. 5, and the applicant, in an action against the possessor of the mark previously applied for or registered proves that it is a mark originally used by him which the other person has appropriated, he may be adjudged entitled to have the mark registered, with the sole right to make use of it, which he could have claimed when the other person applied to have it registered, provided he commences an action concerning it within a year after the publication of

the registration of the mark has been made in the paper authorized to publish Government communications in Iceland.

§ 12. When the registration of a trade-mark is declared to be cancelled, or the protection of a registered trade-mark has ceased, or when the person entitled to the mark demands it, the mark shall be struck out of the register, and notice thereof be made both in the paper authorized to publish communications from the Government and at the expiration of the year in the "Official Gazette," section (B), in connection with the notification mentioned in § 7 regarding registrations undertaken in the course of the year.

§ 13. Any person who, without warrant, places the name or firm of another person, or the name of another person's real property, or another person's registered trade-mark on goods which are for sale, or on their covering, as well as any person who offers for sale goods marked in such a manner, may, after prosecution by the party wronged, be adjudged to be unauthorized to make use of the mark or to offer for sale the goods thus marked. In case he has been cognizant of the better right of the other person, he shall be punished with fines from 100 to 2,000 kronas, and, in cases of repetition, with imprisonment, besides being bound to make compensation for the damage occasioned, and to remove the marks placed unlawfully, or, in case of need, to destroy the goods or their covering, in so far as they are still in his possession or otherwise are at his disposal.

§ 14. The provisions of § 13 also apply when even another person's name or firm, or the name of another person's real property, or another person's registered trade-mark is not actually copied unaltered, but the alterations are of such a character that the names or marks in their entirety, notwithstanding difference in details, may easily be confounded.

§ 15. Provided reciprocity exists, it may be determined by Royal Ordinance that the protection authorized by this Law shall also be granted to those persons who carry on in a foreign country any such business as is mentioned in § 1. In this case the provisions of the Law come into force subject to the observation of the following special rules regarding the trade-marks which may be registered:—

(1.) The application shall be accompanied by proofs that the applicant has fulfilled the conditions which are required in the foreign State, in order to obtain protection for the trade-mark.

(2.) The applicant shall in all law-suits which concern the trade-mark accept the Reykjavik town Court as venue, and also give power of attorney to a person resident in this country, who, on his behalf, may receive notice of action,

(3.) Protection is not granted to the trade-mark to a greater extent or for a longer time than in the foreign State.

With reference to trade-marks which are registered in a State which makes corresponding concessions as to Icelandic trade-marks, the following provisions may also be fixed by Royal Ordinance.

(4.) The trade-mark shall be registered, in so far as it is not opposed to morality or public order, in that form in which it is valid in the foreign State.

(5.) If any person, at the latest within four months after the trade-mark application has been made in the foreign State, has applied for its registration in this country, such application relatively shall be regarded as having been made simultaneously with the application in the foreign State.

(6.) In case registration, pursuant to § 5, No. 5, be refused, and the applicant in a law-suit against the possessor of the mark previously registered, or previously notified for registration, proves that it is a mark originally made use of by him which the other person has appropriated, he may be adjudged to be entitled to have the mark registered with the sole right to its use for that kind of goods for which he used the mark when the mutual protection began, provided he commences an action concerning it within six months after the mutual protection commenced.³

No restriction is, however, made in the right authorized in § 11, third paragraph.

§ 16. The further prescriptions as to the arrangement, form, and keeping of the trade-mark register, as to the notices mentioned in this Law, and as to the rendering of the account of the fees paid into the public Treasury under this Law, shall be determined by the Governor.

§ 17. Prosecutions which are commenced pursuant to § 13 (paragraph 2) of this Law shall be treated as public police matters, and action shall only take place in case some one who is wronged by the infringement of the Law demands it.

§ 18. Any person shall be allowed to obtain information from the register either by inspecting it or by taking extracts; copies of the registered drawings themselves in the latter cannot, however, be demanded.

For an extract from the register or from an original application a fee of 2 kroner is to be paid to the Public Treasury. For inspection of the register no payment is demanded.

§ 19. This Law shall enter into force on the 1st April, 1904.

Whereto all persons concerned have to conform.

Issued at Amalienborg, the 13th November, 1903, under our Royal hand and seal.

(L.S.) CHRISTIAN, R.

ALBERTI.

The Ministry of Iceland, November 13, 1903.

ALBERTI.

OLAFUR HALLDORSSON.

TREATY of Commerce between Italy and the Swiss Confederation.—Signed at Rome, July 13, 1904.

[Ratifications exchanged December 28, 1904.]

LE Conseil Fédéral de la Confédération Suisse et Sa Majesté le Roi d'Italie, animés d'un égal désir de resserrer les liens d'amitié et de développer les relations commerciales entre les deux pays, ont résolu de conclure un nouveau Traité et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral de la Confédération Suisse, M. J.-B. Pioda, Envoyé Extraordinaire et Ministre Plénipotentiaire de Suisse à Rome; M. le Colonel A. Künzli, Conseiller National; M. A. Frey, Conseiller National, Vice-Président de l'Union Suisse du Commerce et de l'Industrie; M. E. Laur, Secrétaire de l'Union Suisse des Paysans;

Sa Majesté le Roi d'Italie, son Excellence M. Tommaso Tittoni, Ministre des Affaires Étrangères; son Excellence M. Luigi Luzzatti, Ministre du Trésor et Ministre *ad interim* des Finances; son Excellence M. Luigi Rava, Ministre de l'Agriculture, de l'Industrie et du Commerce; M. G. Malvano, Sénateur, Secrétaire-Général au Ministère Royal des Affaires Étrangères; M. E. Pantano, Député au Parlement National; M. N. Miraglia, ancien Député, ancien Directeur-Général de l'Agriculture; M. G. Callegari, Inspecteur-Général du Commerce et de l'Industrie; M. L. Luciolli, Directeur Chef de Division à la Direction Générale des Douanes;

Lesquels, après avoir échangé leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Parties Contractantes se garantissent réciproquement, en ce qui concerne l'importation, l'exportation, et le transit, les droits et le traitement de la nation la plus favorisée.

Chacune des Parties Contractantes s'engage, en conséquence, à

faire profiter l'autre, gratuitement, de tous les privilèges et faveurs que, sous les rapports précités, elle a concédés ou concèderait à une tierce Puissance, notamment quant au montant, à la garantie et à la perception des droits fixés ou non dans le présent Traité, aux entrepôts de douane, aux taxes intérieures, aux formalités et au traitement des expéditions en douane et aux droits d'accise ou de consommation perçus pour le compte de l'État, des provinces, des cantons ou des communes.

Sont exceptées, toutefois, les faveurs actuellement accordées ou qui pourraient être accordées ultérieurement à d'autres États limitrophes pour faciliter la trafic-frontière.

II. Les Parties Contractantes s'engagent à ne pas entraver le commerce réciproque par des prohibitions quelconques d'importation, d'exportation, ou de transit.

Des exceptions à cette règle pourront avoir lieu dans les cas suivants:—

1. Dans des circonstances exceptionnelles, par rapport aux provisions de guerre;

2. Pour des raisons de sûreté publique;

3. Par égard à la police sanitaire et en vue de la protection des animaux, ainsi que des plantes utiles, contre les maladies, les insectes, et parasites nuisibles;

4. Par égard aux monopoles d'État.

III. Dans les échanges entre les deux pays, les droits d'entrée et de sortie des articles désignés dans les Annexes (A) à (D) ne pourront dépasser les taux qui y sont indiqués.

Les Parties Contractantes se réservent réciproquement le droit de percevoir les droits d'entrée et de sortie en or, tout en se garantissant, à cet égard, le traitement de la nation la plus favorisée.

Si l'une des Parties Contractantes frappe les produits d'un tiers pays de droits plus élevés que ceux fixés dans le présent Traité, elle est autorisée, au cas où les circonstances l'exigeraient, à faire dépendre l'application des droits conventionnels aux marchandises provenant de l'autre Partie, de la présentation de certificats d'origine.

Les dits certificats pourront émaner de l'autorité locale du lieu d'exportation ou du bureau de douane d'expédition, soit à l'intérieur, soit à la frontière, des Chambres de Commerce ou bien d'un Agent Consulaire. Au besoin, ils pourront même être remplacés par la facture, si les Gouvernements respectifs le jugent convenable.

L'émolument pour la délivrance ou le visa des certificats d'origine et autres documents constatant l'origine des marchandises ne pourra dépasser 50 centimes par pièce.

IV. Les marchandises de toute nature, en transit, seront réciproquement affranchies de tout droit de transit, soit qu'elles transitent directement, soit que pendant le transit elles doivent être déchargées, déposées, et rechargées.

Les Parties Contractantes s'engagent en outre à ne pas soumettre le transit à des formalités ou autres mesures qui seraient de nature à l'entraver.

V.* Les droits de dédouanement aux bureaux des points-frontière Italo-Suisses ne pourront dépasser, pendant la durée du présent Traité, les taux fixés par les tarifs actuellement en vigueur concernant soit les taxes dévolues à l'administration douanière, soit les taxes à percevoir pour le compte des chemins de fer.

Il est entendu, en outre, qu'il ne pourra être prélevé, pendant la durée du Traité, aucune taxe de dédouanement non expressément indiquée dans les dits tarifs.

VI. En cas de dédouanement de marchandises volumineuses et lourdes, taxées au poids brut, qui sont chargées sur des wagons sans récipients et y sont fixées au moyen d'échafaudages ou d'autres installations appliqués sur les wagons d'une manière fixe ou passagère, le droit sera perçu sans tenir compte du poids des échafaudages ou installations, pourvu que ces derniers n'aient évidemment d'autre but que d'adapter le wagon au transport de cette espèce de marchandises et de les y tenir bien fixes durant le voyage.

Dans le cas, les échafaudages ou installations seront considérés comme parties intégrantes des wagons.

Toutefois, les douanes auront la faculté d'exiger une garantie pour le montant du droit auquel les échafaudages ou installations seraient assujettis s'ils étaient importés séparément.

VII. Les droits grevant la production, la préparation ou la consommation d'un article quelconque ne peuvent être plus élevés ou plus onéreux pour les articles importés de l'un des deux pays dans l'autre que pour les produits indigènes.

Cette disposition ne s'applique pas aux marchandises qui font l'objet d'un monopole d'État, non plus qu'aux matières premières propres à leur fabrication.

VIII. Les droits, ainsi que les taxes intérieures grevant la production ou la préparation des marchandises, peuvent être restitués, en tout ou en partie, lors de l'exportation des produits qui les ont acquittés ou des marchandises qui ont été fabriquées avec ces produits.

Chacune des Parties Contractantes s'engage, par contre, à ne pas accorder de primes d'exportation pour aucun article et sous

* See "Dispositions Additionnelles," page 1077.

quelque titre ou quelque forme que ce soit, sauf consentement de l'autre Partie.

IX. Les produits constituant l'objet de monopoles d'État, ainsi que les matières propres à la fabrication de produits monopolisés, pourront, en garantie des monopoles, être assujettis à une taxe d'entrée complémentaire, même dans le cas où les produits ou les matières similaires indigènes n'y seraient pas soumis.

Cette taxe sera remboursée si, dans les délais prescrits, il est prouvé que les matières imposées ont été employées d'une manière excluant la fabrication d'un article monopolisé.

Les deux Gouvernements se réservent la faculté de frapper les produits alcooliques ou fabriqués avec de l'alcool, d'un droit équivalent aux charges fiscales dont est grevé, à l'intérieur du pays, l'alcool employé.

X. Pour le cas où l'Italie introduirait le contrôle obligatoire des articles d'orfèvrerie, de bijouterie, et d'horlogerie (montres et boîtes de montres) en or ou en argent, les articles de l'espèce importés de Suisse ne paieront pas des taxes plus élevées que les objets de fabrication indigène et les formalités de contrôle seront simplifiées autant que possible.

XI.* Les Parties Contractantes s'engagent à maintenir, dans les principales avenues des routes qui relient les deux États, des bureaux-frontière dûment et suffisamment autorisés à percevoir les droits de douane et à faire les opérations relatives au transit sur les routes qui seront reconnues comme voies de transit.

Les formalités pour les expéditions, nécessaires à tout genre de trafic, seront de part et d'autre simplifiées et accélérées autant que possible.

XII. Afin de faciliter la circulation à la frontière, il a été convenu d'affranchir réciproquement de tous droits d'importation, d'exportation, ou de circulation les produits suivants des propriétés situées dans une zone de 10 kilom. de chaque côté de la frontière :—

Les céréales en gerbes ou en épis ;

Les foins, la paille, et les fourrages verts ;

Les fruits frais, y compris les raisins frais ;

Les légumes verts.

Seront également affranchis : le fumier, les détritits de marais, les boues végétales, la lie et le marc de raisin, le résidu des gâteaux de cire, le sang des bestiaux, les semences, plantes, perches, échalas, la nourriture journalière des ouvriers, les animaux, et les instruments agricoles de toute sorte ; tout ceci servant à la culture de ces propriétés, et sous réserve du contrôle et de la faculté de la répression en cas de fraude.

* See "Dispositions Additionnelles," page 1077.

Les propriétaires ou cultivateurs de ces terres, domiciliés dans l'autre État, jouiront généralement, quant à l'exploitation de leurs biens, des mêmes avantages que les nationaux habitant la localité, à la condition qu'ils se soumettront aux règlements administratifs ou de police applicables aux ressortissants du pays.

XIII.* Pour favoriser le trafic spécial qui s'est développé entre les deux pays voisins et notamment entre les pays de frontière respectifs, franchise temporaire des droits à l'entrée et à la sortie est accordée au bétail conduit d'un territoire à l'autre, aux marchés, à l'hivernage, et aux pâturages des Alpes. Sont toutefois réservées les prescriptions et stipulations en vigueur ou à intervenir.

XIV.* Sous obligation de réexportation ou de réimportation dans le délai de six mois et de la preuve d'identité, la franchise de tout droit d'entrée et de sortie est stipulée réciproquement :—

1. Pour les objets à réparer ;
2. Pour les échantillons passibles de droits de douane, y compris ceux des voyageurs de commerce ;
3. Pour les sacs, caisses, tonneaux, paniers, et autres récipients semblables, signés et ayant déjà servi, importés vides pour être réexportés remplis ou réimportés vides après avoir été exportés remplis ;
4. Pour les outils et instruments introduits par des ouvriers envoyés en Italie par une maison Suisse, ou en Suisse par une maison Italienne, pour y accomplir des travaux de montage, de réparation ou autres semblables ;
5. Pour les parties de machines expédiées de l'un des deux pays dans l'autre, à l'essai (tels que arbres destinés à être adaptés aux paliers, &c.), et qui, après avoir été retournées dans le pays d'origine, doivent être réexpédiées dans l'autre pays avec la machine complète.

En cas de besoin prouvé, le délai ci-dessus sera étendu à douze mois.

XV. Le porteur d'une carte de légitimation pour voyageurs de commerce délivrée par les autorités de l'une des Parties Contractantes peut, en observant les formalités prescrites dans le territoire de l'autre, y prendre des commandes auprès des commerçants ou des personnes qui font un usage professionnel ou industriel des marchandises offertes, sans être soumis à ce titre à aucun droit ou impôt. Il est loisible au dit porteur de prendre avec lui des échantillons, mais non des marchandises, sauf dans les cas où cela est permis aux voyageurs de commerce indigènes.

Quant aux voyageurs de commerce qui recherchent des commandes chez d'autres personnes que celles mentionnées ci-dessus, ils sont traités sur le même pied que les nationaux.

* See "Dispositions Additionnelles," page 1077.

Le formulaire des cartes de légitimation pour voyageurs de commerce est consigné dans l'Annexe (E) du présent Traité.

XVI. Les Parties Contractantes déclarent reconnaître mutuellement à toutes les sociétés anonymes ou autres commerciales, industrielles, ou financières, constituées et autorisées suivant les lois particulières à l'un des deux pays, la faculté d'exercer tous leurs droits et d'ester en justice devant les Tribunaux, soit pour intenter une action, soit pour s'y défendre, dans toute l'étendue des États et possessions de l'autre Puissance, sans autre condition que de se conformer aux lois (y compris les lois financières) des dits États et possessions.

XVII. Les Parties Contractantes s'engagent à examiner d'un accord commun et amical le traitement des ouvriers Italiens en Suisse et des ouvriers Suisses en Italie à l'égard des assurances ouvrières dans le but d'assurer, par des arrangements opportuns, aux ouvriers des nations respectives dans l'autre pays un traitement qui leur accorde des avantages autant que possible équivalents.

Ces arrangements seront consacrés indépendamment de la mise en vigueur du présent Traité, par un Acte séparé.

XVIII.* Si des contestations venaient à surgir au sujet de l'interprétation du présent Traité, y compris les Annexes (A) à (F), et que l'une des Parties Contractantes demande qu'elles soient soumises à la décision d'un Tribunal Arbitral, l'autre Partie devra y consentir, même pour la question préjudicielle de savoir si la contestation se rapporte à l'interprétation du Traité. La décision des arbitres aura force obligatoire.

XIX. Le présent Traité sera mis en vigueur ainsi qu'il suit:—

1. Les Articles I à XXI du texte du Traité et les Dispositions Additionnelles (Annexe (F)) s'y rapportant;

Les Annexes (A) et (B) "droits à l'entrée en Italie" et "droits à la sortie d'Italie," ainsi que les Dispositions Additionnelles (Annexe (F)) se rapportant à ces deux Annexes: le 1^{er} Juillet, 1905.

2. Les Annexes (C) et (D) "droits à l'entrée en Suisse," et "droits à la sortie de Suisse," ainsi que les Dispositions Additionnelles (Annexe (F)) se rapportant à ces deux Annexes: à la date de la mise en vigueur de la Loi Fédérale sur le tarif des douanes, du 10 Octobre, 1902, date qui sera notifiée au Gouvernement Italien trois mois à l'avance.

Les stipulations correspondantes du Traité de Commerce du 19 Avril, 1892,† sont maintenues en vigueur jusqu'aux dates ci-dessus énoncées et elles cesseront de ressortir leurs effets ainsi qu'il suit:—

* See "Dispositions Additionnelles," page 1077.

† Vol. LXXXIV, page 1109.

Les Articles I à XVI et les dispositions y relatives du procès-verbal de clôture, le Tarif (B) "droits à l'entrée en Italie" et le Tarif (D) "droits à la sortie d'Italie," ainsi que les dispositions y relatives du procès-verbal de cloture : le 30 Juin, 1905 ;

Le Tarif (A) "droits à l'entrée en Suisse," ainsi que les dispositions y relatives du procès-verbal de clôture et le Tarif (C) "droits à la sortie de Suisse" : à la date de la mise en vigueur de la Loi Fédérale précitée.

XX. Le présent Traité restera exécutoire jusqu'au 31 Décembre, 1917. Dans le cas où aucune des Parties Contractantes n'aurait notifié, douze mois avant la dite date son intention d'en faire cesser les effets, le dit Traité demeurera obligatoire jusqu'à l'expiration d'un an à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

XXI. Le présent Traité, y compris les Annexes (A) à (F),* qui en font partie intégrante, sera ratifié, et les ratifications en seront échangées à Rome le plus tôt possible.

En foi de quoi les Plénipotentiaires l'ont signé et revêtu de leurs cachets.

Fait à Rome, en double expédition, le 13 Juillet, 1904.

(L.S.) J.-B. PIODA.
 (L.S.) A. KÜNZLI.
 (L.S.) ALFRED FREY.
 (L.S.) ERNEST LAUR.
 (L.S.) TITTONI.
 (L.S.) L. LUZZATTI.
 (L.S.) L. RAVA.
 (L.S.) G. MALVANO.
 (L.S.) E. PANTANO.
 (L.S.) N. MIRAGLIA.
 (L.S.) G. CALLEGARI.
 (L.S.) L. LUCIOLLI.

Annex (F).

Dispositions Additionnelles.

1. *En ce qui concerne le Texte du Traité.*

Ad Article V.—En vue de l'exacte application des taxes de dédouanement perçues pour le compte de l'administration des chemins de fer d'après les tarifs actuellement en vigueur, le Gouvernement Italien s'engage à faire donner des instructions aux bureaux

* Annexes (A) to (E) not printed.

compétents, dans le sens que si un seul et même colis contient des marchandises appartenant à deux ou plusieurs positions ou sous-positions du tarif douanier Italien, les droits de dédouanement (commission et factage) dont il est question à l'Article V du Traité ne seront pas perçus sur chaque espèce de marchandises, mais uniquement sur le poids total du colis, étant toutefois admis que si le colis contient des marchandises différentes, dont une partie appartient à la 1^{re} catégorie du tarif des taxes de dédouanement, le colis entier sera soumis aux taxes de la dite catégorie.

L'application des lamine et des pallottole aux tissus actuellement soumis à cette formalité, cesse dès la mise en vigueur du présent Traité.

Ad Article XI.—Il est entendu ce qui suit :

1. Les bureaux de douane Italiens à Chiasso-Stazione et à Luino seront munis des compétences nécessaires pour opérer le dédouanement de toutes espèces de marchandises et dans tous les genres de trafic ;

2. Le bureau Italien de Ponte-Chiasso devra effectuer le dédouanement de toutes marchandises.

Le Gouvernement Italien s'engage à exécuter les dispositions ci-dessus dès l'entrée en vigueur du présent Traité.

Il est entendu, en outre, que les offices douaniers de chacune des Parties Contractantes fourniront au public de l'autre Partie tout renseignement qui pourrait leur être demandé sur la classification de tel ou tel article spécial.

Ad Article XIII.—A la demande de l'Italie, les deux Parties s'engagent à ouvrir une négociation spéciale sur la question d'étendre à tous les bureaux de douanes Suisses les règles établies par la Convention de Milan du 4 Mai, 1901, pour l'estivage du bétail.

Ad Article XIV.—Dans le cas où des marchandises expédiées de l'un des deux pays dans l'autre et se trouvant encore en douane seraient refusées par leurs destinataires ou devraient être réexpédiées pour d'autres causes à l'expéditeur primitif, dans la même condition où elles sont arrivées, la réexportation sans paiement des droits d'entrée sera accordée, même si la douane a déjà fait sa visite et si les droits ont été liquidés.

Ad Article XVIII.—A l'égard de la composition et de la procédure du Tribunal Arbitral il est convenu ce qui suit :

1. Le Tribunal se composera de trois membres. Chacune des deux Parties en nommera un dans le délai de quinze jours après la notification de la demande d'arbitrage.

Ces deux arbitres choisiront le surarbitre, qui ne pourra ni être ressortissant d'un des deux États en cause, ni habiter sur leur territoire. S'ils n'arrivent pas à s'entendre sur son choix dans un

délai de huit jours, sa nomination sera immédiatement confiée au Président du Conseil Administratif de la Cour Permanent d'Arbitrage à la Haye.

Le surarbitre sera Président du Tribunal ; celui-ci prendra ses décisions à la majorité des voix.

2. Au premier cas d'arbitrage, le Tribunal siégera dans le territoire de la Partie Contractante défenderesse ; au second cas, dans le territoire de l'autre Partie, et ainsi de suite alternativement dans l'un et dans l'autre territoire, dans une ville que désignera la partie respective : celle-ci fournira les locaux, ainsi que le personnel de bureau et de service nécessaires pour le fonctionnement du Tribunal.

3. Les Parties Contractantes s'entendront dans chaque cas spécial ou une fois pour toutes sur la procédure du Tribunal Arbitral. A défaut d'une telle entente, la procédure sera réglée par le Tribunal lui-même. La procédure peut se faire par écrit si aucune des Parties ne soulève d'objection ; dans ce cas, les dispositions du chiffre 2 ci-dessus ne reçoivent leur application que dans la mesure nécessitée par les circonstances.

4. Pour la citation et l'audition de témoins et d'experts, les autorités de chacune des Parties Contractantes prêteront, sur la réquisition du Tribunal Arbitral à adresser au Gouvernement respectif, leur assistance de la même manière que sur les réquisitions des Tribunaux Civils du pays.

2. *En ce qui concerne l'Annexe : (A) (Droits à l'entrée en Italie).*

Ad ex 16, ex 17 et 20.—Si, pendant la durée du présent Traité, l'Italie venait à abaisser ses droits sur le sucre, les droits convenus pour les produits sucrés repris sous les Nos. *ex 16, ex 17 et 20*, seront réduits proportionnellement. A cet effet les produits du No. 20 seront considérés comme contenant 50 pour cent de sucre.

Ad 70.—Les médicaments inscrits dans la pharmacopée nationale Suisse approuvée par le Conseil Fédéral sont admis à l'importation en Italie au même titre que ceux inscrits dans la pharmacopée Italienne.

Les médicaments inscrits dans la pharmacopée Italienne ou approuvés par le Conseil supérieur de santé publique du royaume d'Italie sont admis à l'importation en Suisse au même titre que ceux inscrits dans la pharmacopée Suisse.

D'une manière générale les médicaments importés de l'un des deux pays dans l'autre ne seront pas soumis à un traitement moins favorable que les médicaments de production nationale.

Ad 78.—Dans le cas où une analyse serait reconnue nécessaire pour s'assurer que les couleurs ne contiennent pas du chlorure de sodium en proportion supérieure à 50 pour cent, les importateurs

auront également faculté d'enlever, sans aucun délai, la marchandise de la douane et d'en disposer librement moyennant le dépôt ou le cautionnement du prix de monopole du sel commun à raison de 30 kilog. de sel pour 100 kilog. de couleur.

S'il résulte de l'analyse que la couleur contient plus de 50 pour cent de chlorure de sodium, le prix de monopole sera perçu sur la quantité excédant cette limite.

Ad 153.—Sera maintenu pendant la durée du présent Traité le trafic de perfectionnement existant pour la soie introduite d'Italie en Suisse pour y être teinte et qui rentrera en Italie après avoir subi cette opération.

Ad 218 b 4.—Dans le cas où l'Italie se déciderait à soumettre à un traitement spécial la vaisselle et les ustensiles de ménage, en fer émaillé, le droit pour ces articles ne dépassera par 35 livres les 100 kilos.

PROTOCOLE.

AT moment de signer le Traité de Commerce qui vient d'être négocié entre les délégations respectives, les Plénipotentiaires soussignés, à ce dûment autorisés, déclarent ce qui suit:—

Le Conseil Fédéral de la Confédération Suisse et le Gouvernement Royal d'Italie se promettent mutuellement le secret le plus absolu au sujet du contenu du dit Traité jusqu'au jour où ce Traité sera présenté aux Parlements respectifs, et ceci pas avant les derniers jours de Novembre prochain.

En attendant et jusqu'au 31 Décembre prochain le Traité du 19 Avril, 1892, est maintenu en pleine vigueur.

En foi de quoi les dits Plénipotentiaires ont signé le présent Protocole et y ont apposé leurs cachets.

Fait, en double expédition, à Rome, le 13 Juillet, 1904.

(L.S.) J.-B. PIODA.
 (L.S.) A. KÜNZLI.
 (L.S.) ALFRED FREY.
 (L.S.) ERNEST LAUR.
 (L.S.) TITTONI.
 (L.S.) L. LUZZATTI.
 (L.S.) L. RAVA.
 (L.S.) G. MALVANO.
 (L.S.) E. PANTANO.
 (L.S.) N. MIRAGLIA.
 (L.S.) G. CALLEGARI.
 (L.S.) L. LUCIOLLI.

*ADDITIONAL AND AMENDATORY AGREEMENT
to the Commercial Agreement of May 22, 1899, between the
United States and Portugal. — Signed at Washington,
November 19, 1902.**

[Proclaimed by the President of the United States, January 24,
1907.]

THE President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, finding it expedient to amend the Commercial Agreement between the two countries, signed at Washington on the 22nd day of May, 1899,† have named for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States; and

His Most Faithful Majesty, the Viscount de Alte, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed upon the following additional and amendatory Articles to be taken as part of the said Agreement:—

ART. I. The High Contracting Parties mutually agree that the provisions of the said Agreement shall apply also to the Island of Porto Rico.

II. This Additional and Amendatory Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the same. From and after the date of such Proclamation this Agreement shall take effect, and shall continue in force during the continuance in force of the said Commercial Agreement, signed May 22, 1899.

Done in duplicate in English and Portuguese texts at Washington, this 19th day of November, 1902.

(L.S.) JOHN HAY.

(L.S.) VISCONDE DE ALTE.

* Signed also in the Portuguese language.

† Vol. XCII, page 162.

CONVENTION D'ARBITRAGE entre la Suisse et l'Autriche-Hongrie.—Signée à Vienne, le 3 Décembre, 1904.

[Ratifications échangées à Vienne, le 13 Juillet, 1905.]

LE Conseil Fédéral de la Confédération Suisse et Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, Signataires de la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye le 29 Juillet, 1899,*

Considérant que par l'Article XIX de cette Convention les Hautes Parties Contractantes se sont réservé de conclure des accords en vue du recours à l'arbitrage dans toutes les questions qu'elles jugeront possible de lui soumettre, ont résolu de conclure le Traité suivant et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral de la Confédération Suisse : Le Sieur Walter Deucher, Chargé d'Affaires *ad interim* de la Confédération Suisse à Vienne ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie : Le Sieur Agénor Comte Goluchowski de Goluchowo, Chevalier de l'Ordre de la Toison d'Or, son Conseiller intime et Chambellan, Ministre de la Maison Impériale et Royale et des Affaires Étrangères, &c.,

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les différends d'ordre juridique ou relatifs à l'interprétation des Traités existant entre les Hautes Parties Contractantes qui viendraient à se produire entre elles, et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899, à La Haye, à la condition toutefois qu'ils ne mettent en cause ni les intérêts vitaux, ni l'indépendance ou l'honneur des Hautes Parties Contractantes, et qu'ils ne touchent pas aux intérêts de tierces Puissances.

II. Dans chaque cas particulier, les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial, déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres et les délais à observer, en ce qui concerne la constitution du Tribunal Arbitral et les phases différentes de la procédure.

* Vol. XCI, page 970.

III. Le présent Arrangement sera ratifié, et les ratifications seront échangées à Vienne aussitôt que faire se pourra.

Il restera en vigueur pendant cinq ans à partir du quinzième jour après l'échange des ratifications.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Fait à Vienne en double exemplaire, le 3 Décembre, 1904.

(L.S.) WALTER DEUCHER.

(L.S.) GOLUCHOWSKI.

EXCHANGE OF NOTES respecting the Commercial Relations between Great Britain and Spain.—Madrid, June $\frac{29}{2}$, 1894.

Sir H. Drummond Wolff to Señor Moret.

M. LE MINISTRE, *British Embassy, Madrid, June 20, 1894.*

THE negotiations for a Commercial Treaty have now reached a stage where, before further progress can be made, they must be submitted to the consideration of Her Majesty's Government.

There are some points still only partially discussed, and on these important questions of detail will have to be carefully elaborated and worked out, the more so as some of them are without precedent in any of the Treaties negotiated by Spain with other countries. It is proposed, therefore, that the two British Delegates should at once proceed to London to render an account of the work already achieved, and it is believed that a suspension of the discussions until a later period of the year will also prove acceptable to the negotiators on behalf of the Spanish Government.

Under these circumstances, and pending the negotiations, goods arriving from Spain and her Colonies will continue to receive the most-favoured-nation treatment in the custom-houses of Great Britain, her Colonies, and foreign possessions. Her Majesty's Government understand that, until the discussions are terminated by the conclusion of a permanent Treaty, or a rupture of negotiations, goods arriving from Great Britain, her Colonies, and foreign possessions will be guaranteed against differential treatment in the custom-houses of Spain, her Colonies, and foreign possessions.

It is further agreed that it shall be open to any British Colony to withdraw from the present Agreement on notice to this effect being given by Her Majesty's Ambassador at Madrid to the

Spanish Minister for Foreign Affairs within six months after the date of its signature. I avail, &c.,

H. DRUMMOND WOLFF.

Señor Moret to Sir H. Drummond Wolff.

(Translation.)

SIR,

Ministry of State, the Palace, June 29, 1894.

IN reply to your Excellency's note of the 20th instant, I have the honour to inform you that the Government of His Majesty sees no objection to the negotiations for the conclusion of a Commercial Treaty being referred to Her Britannic Majesty's Government.

The nature of some of the demands preferred by the Spanish Delegates, and the necessity for a careful study of every detail, shows the advisability of not arriving at a final decision, although they should be submitted by both Governments to a careful examination, which is all the more necessary because for some of them there is no precedent in Treaties already negotiated. The Government of His Majesty is confident that the immediate result of this reference will be to place the English Delegates in a position to satisfy the Spanish requirements, and they in any case hope that the interval asked for them may be of short duration, so that at the next meeting of Parliament a Treaty already concluded may be presented to it.

Meanwhile, as the *modus vivendi* concluded on the 18th July, 1893, terminates on the 1st July next, in order that the commercial relations between Spain and England may not be in any way disturbed pending the conclusion of a definitive Treaty or the rupture of negotiations, it is understood that the produce of Spanish soil and industry, as well as that of Spanish colonial possessions, will continue to receive most-favoured-nation treatment in the custom-houses of Great Britain and her colonial and foreign possessions.

On the other hand, the produce of the British soil and industry, as also that of her colonial and foreign possessions, will remain subject to the second column of the existing Tariff, there being also granted to them in addition the Tariff advantages contained in the existing Treaties with European States, or those which may hereafter come into operation in accordance with the terms of a Bill which is now being laid before the Congress.

The arrangements made with regard to Portugal are naturally excluded, as I have frequently had the honour to point out to your Excellency.

With regard to British products imported into the Spanish foreign and colonial possessions, Spain also secures for them the enjoyment of the minimum duties of the Special Tariff, reserving the right to negotiate by special Conventions with those provinces and possessions the advantages which may result from the conclusion of Conventions with other countries.

It remains, furthermore, understood that any British Colony may retire from the present arrangement on six months' notice being given by the English Ambassador at Madrid.

I avail, &c.,
MORET.

ADDITIONAL ARTICLE to the Modus Vivendi of the 18th December, 1901, between the British High Commissioner for South Africa and the Governor-General of Mozambique. —Signed at Lourenço Marques, June 15, 1904.

THE Undersigned, Viscount Milner, His Britannic Majesty's High Commissioner for South Africa, &c., represented by His Britannic Majesty's Acting Consul-General at Lourenço Marques, Major John Grey Baldwin, Royal Artillery, and Thomas Antonio Garcia Rosado, Major on the General Staff, Equerry to His Most Faithful Majesty the King of Portugal, Acting Governor-General of the Province of Mozambique, &c., have agreed that—

Notwithstanding the provisions of Article 10 of the *modus vivendi* of the 18th December, 1901,* by which the provisions of the Treaty of the 11th December, 1875,† are continued in force, it is understood that the products of the industry of either Colony or possession will only be admitted free of duty into the other Colony or possession provided the elements or chief constituent parts of such industry are the products of the soil of such Colony or possession.

And it is further understood that the above interpretation of the words "products of the industry" shall hold good for only so long as the provisions of Article 4 of the above-mentioned *modus vivendi* are observed, unless these provisions be altered by virtue of propositions put forward by the Portuguese Government.

Done at Lourenço Marques, this 15th day of June, in the year of our Lord, 1904.

JOHN GREY BALDWIN.

THOMAS ANTONIO GARCIA ROSADO.

* Vol. XCV, page 931.

† Between Portugal and the Transvaal Republic. Vol. LXVII, page 1256.

*SPANISH ROYAL DECREE recognizing Norway as a
Sovereign State.—November 6, 1905.*

(Translation.)

THE Envoy Extraordinary and Minister Plenipotentiary of Sweden to my Court, having notified my Government on the 26th of last month that His Majesty King Oscar has promulgated, with the approval of the Swedish Parliament, a Law dissolving the Act of Union with Norway of 1815, recognizing her for the future as an independent State; and the Norwegian Minister for Foreign Affairs having also approached my Government on the 28th of the same month, expressing the desire of his Government to enter into official relations with Spain;

In accordance with the views of my Council of Ministers;

I hereby recognize Norway as a Sovereign State.

Given in my Embassy at Berlin, the 6th November, 1905.

ALFONSO.

PRO GULLON, *Minister of State.*

*SWISS NOTICE respecting the Nationality of Persons born in
France of Swiss Parents.—Berne, October 31, 1903.*

SUIVANT l'Article 8, Nos. 3 et 4, du Code Civil Français, est considéré comme Français—

1. Tout individu né en France d'un père né lui-même en France; dans ce cas l'option n'est pas admise;

2. Tout individu né en France d'une mère née elle-même en France, à moins qu'au courant de sa vingt-deuxième année il n'ait décliné la qualité de Français;

3. Tout individu né en France de parents étrangers—alors même que ceux-ci ne sont pas nés en France—et qui, à l'époque de sa majorité, est domicilié en France, à moins qu'au courant de sa vingt-deuxième année il n'ait décliné la qualité de Français.

Le Code ne stipule pas l'obligation de décliner la qualité de Français pour un individu né en France de parents étrangers et qui, à l'époque de sa majorité, ne serait pas domicilié en France. Néanmoins, il y a lieu de recommander à toute personne qui se trouve dans ce cas de remplir les formalités de répudiation, afin d'éviter toute difficulté avec les autorités militaires Françaises.

La déclaration doit être souscrite : en France, devant le juge de

paix du lieu du domicile ; à l'étranger, auprès des Agences Diplomatiques ou Consulaires Françaises compétentes.

Le Département soussigné donnera tous les renseignements nécessaires sur les formalités à remplir dans ces divers cas. Les intéressés habitant l'étranger peuvent aussi, pour se renseigner, s'adresser aux Agences Diplomatiques et Consulaires Suisses.

Berne, le 31 Octobre, 1903.

(Département Politique Fédéral.)

(Reproduit en Mars 1904.)

NOTES respecting the Adhesion of Crete to the International Telegraph Convention of 1875. — Vienna, February 12, 1902.*

Note Verbale.

THE Government of Crete having addressed the Governments of His Majesty the King of Great Britain and Ireland, Emperor of India, of His Majesty the King of Italy, of the French Republic, and of His Majesty the Emperor of Russia, in order, through them, to inform the Government of His Majesty the Emperor of Austria, Apostolic King of Hungary, of its adhesion to the International Telegraph Convention concluded at St. Petersburg on the 22nd July, 1875,* His Britannic Majesty's Embassy, in compliance with the instructions of its Government, has the honour to notify the adhesion to the Imperial and Royal Ministry for Foreign Affairs of Austria-Hungary.

His Britannic Majesty's Embassy will be obliged if the Imperial and Royal Ministry will acknowledge the receipt of the present communication.

Vienna, February 12, 1902.

Note Verbale.

THE Ministry for Foreign Affairs, in acknowledging the *note verbale* of the 12th instant, which was received on the 14th instant, has the honour to state that the Governments interested have been informed of the accession of Crete to the International Telegraph Convention of St. Petersburg of the 22nd July, 1875.

Imperial and Royal Foreign Office, Vienna, February 22, 1902.

MESSAGE from the President of the United States to Congress regarding the Execution of the Act providing for the Construction of the Panamá Canal.—Washington, January 4, 1904.

TO THE SENATE AND HOUSE OF REPRESENTATIVES,

I LAY before the Congress for its information a statement of my action up to this time in executing the Act entitled "An Act to provide for the Construction of a Canal connecting the Waters of the Atlantic and Pacific Oceans," approved the 28th June, 1902.*

By the said Act the President was authorized to secure for the United States the property of the Panamá Canal Company and the perpetual control of a strip 6 miles wide across the Isthmus of Panamá. It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panamá Canal Company and the control of the necessary territory of the Republic of Colombia . . . within a reasonable time and upon reasonable terms, then the President" should endeavour to provide for a canal by the Nicaragua route. The language quoted defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the Act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

This Act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a Treaty for this purpose with one of the Central American Republics did not stand on the same footing with the effort to secure a Treaty under any ordinary conditions. The proper position for the United States to assume in reference to this canal, and therefore to the Governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858. In my Annual Message I have already quoted what Secretary Cass said; but I repeat the quotation here, because the principle it states is fundamental:—

"While the rights of sovereignty of the States occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion

* Vol. XCVI, page 181.

and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local Governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them, and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use."

The principle thus enunciated by Secretary Cass was sound then and it is sound now. The United States has taken the position that no other Government is to build the canal. In 1889, when France proposed to come to the aid of the French Panamá Company by guaranteeing their bonds, the Senate of the United States in executive Session, with only some three votes dissenting, passed a resolution as follows:—

"That the Government of the United States will look with serious concern and disapproval upon any connection of any European Government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States, and as a menace to their welfare."

Under the Hay-Pauncefote Treaty* it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world. The guarantee included as a matter of course the building of the canal. The enterprise was recognized as responding to an international need; and it would be the veriest travesty on right and justice to treat the Governments in possession of the Isthmus as having the right, in the language of Mr. Cass, "to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them."

When this Government submitted to Colombia the Hay-Herran Treaty three things were, therefore, already settled.

One was that the canal should be built. The time for delay, the time for permitting the attempt to be made by private enterprise, the time for permitting any Government of anti-social spirit and of imperfect development to bar the work, was past. The United States had assumed in connection with the canal certain responsibilities not only to its own people, but to the civilized world, which

* November 18, 1901. Vol. XCIV, page 46.

imperatively demanded that there should no longer be delay in beginning the work.

While it was settled that the canal should be built without unnecessary or improper delay, it was no less clearly shown to be our purpose to deal not merely in a spirit of justice but in a spirit of generosity with the people through whose land we might build it. The Hay-Herran Treaty, if it erred at all, erred in the direction of an over-generosity towards the Colombian Government. In our anxiety to be fair we have gone to the very verge in yielding to a weak nation's demands what that nation was helplessly unable to enforce from us against our will. The only criticisms made upon the Administration for the terms of the Hay-Herran Treaty were for having granted too much to Colombia, not for failure to grant enough. Neither in the Congress nor in the public press, at the time that this Treaty was formulated, was there complaint that it did not in the fullest and amplest manner guarantee to Colombia everything that she could by any colour of title demand.

Nor is the fact to be lost sight of that the rejected Treaty, while generously responding to the pecuniary demands of Colombia, in other respects merely provided for the construction of the canal in conformity with the express requirements of the Act of the Congress of the 28th June, 1902. By that Act, as heretofore quoted, the President was authorized to acquire from Colombia, for the purposes of the canal, "perpetual control" of a certain strip of land; and it was expressly required that the "control" thus to be obtained should include "jurisdiction" to make police and sanitary regulations and to establish such judicial tribunals as might be agreed on for their enforcement. These were conditions precedent prescribed by the Congress; and for their fulfilment suitable stipulations were embodied in the Treaty. It has been stated in public prints that Colombia objected to these stipulations, on the ground that they involved a relinquishment of her "sovereignty;" but in the light of what has taken place, this alleged objection must be considered as an afterthought. In reality, the Treaty, instead of requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed, and preserved her sovereignty over it. The Treaty in this respect simply proceeded on the lines on which all the negotiations leading up to the present situation have been conducted. In those negotiations the exercise by the United States, subject to the paramount rights of the local sovereign, of a substantial control over the canal and the immediately adjacent territory, has been treated as a fundamental part of any arrangement that might be made. It has formed an essential feature of all our plans, and its necessity is fully recognized in the Hay-Pauncefote Treaty.*

* November 18, 1901. Vol. XCIV, page 46.

The Congress, in providing that such control should be secured, adopted no new principle, but only incorporated in its legislation a condition the importance and propriety of which were universally recognized. During all the years of negotiation and discussion that preceded the conclusion of the Hay-Herran Treaty, Colombia never intimated that the requirement by the United States of control over the canal strip would render unattainable the construction of a canal by way of the Isthmus of Panamá; nor were we advised, during the months when legislation of 1892 was pending before the Congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated for in the Hay-Herran Treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable Treaty at all. Such refusal therefore squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the Isthmus.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control, are shown by the unanimity of action in the new Panamá Republic. Furthermore, Colombia, after having rejected the Treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same Treaty if only the *status quo* could be restored. One of the men standing highest in the official circles of Colombia, on the 6th November, addressed the American Minister at Bogotá, saying that if the Government of the United States would land troops to preserve Colombian sovereignty and the transit, the Colombian Government would "declare martial law; and, by virtue of vested constitutional authority, when public order is disturbed, [would] approve by Decree the ratification of the Canal Treaty as signed; or, if the Government of the United States prefers, [would] call extra session of the Congress—with new and friendly members—next May to approve the Treaty." Having these facts in view, there is no shadow of question that the Government of the United States proposed a Treaty which was not merely just, but generous to Colombia, which our people regarded as erring, if at all, on the side of over generosity; which was hailed with delight by the people of the immediate locality through which the canal was to pass, who were most concerned as to the new order of things, and which the Colombian authorities now recognize as being so good that they are willing to promise its unconditional ratification if only we will desert those who have shown themselves our friends and

restore to those who have shown themselves unfriendly the power to undo what they did. I pass by the question as to what assurance we have that they would now keep their pledge and not again refuse to ratify the Treaty if they had the power; for, of course, I will not for one moment discuss the possibility of the United States committing an act of such baseness as to abandon the new Republic of Panamá.

Finally, the Congress definitely settled where the canal was to be built. It was provided that a Treaty should be made for building the canal across the Isthmus of Panamá; and if, after reasonable time, it proved impossible to secure such Treaty, that then we should go to Nicaragua. The Treaty has been made; for it needs no argument to show that the intent of the Congress was to insure a canal across Panamá, and that whether the Republic granting the title was called New Granada, Colombia, or Panamá mattered not one whit. As events turned out, the question of "reasonable time" did not enter into the matter at all. Although, as the months went by, it became increasingly improbable that the Colombian Congress would ratify the Treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not vanish until the Congress closed at the end of October; and within three days thereafter the revolution in Panamá had broken out. Panamá became an independent State, and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfilment. If the pending Treaty with Panamá should not be ratified by the Senate, this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under existing legislation.

When in August it began to appear probable that the Colombian Legislature would not ratify the Treaty, it became incumbent upon me to consider well what the situation was and to be ready to advise the Congress as to what were the various alternatives of action open to us. There were several possibilities. One was that Colombia would at the last moment see the unwisdom of her position. That there might be nothing omitted, Secretary Hay, through the Minister at Bogotá, repeatedly warned Colombia that grave consequences might follow from her rejection of the Treaty. Although it was a constantly diminishing chance, yet the possibility of ratification did not wholly pass away until the close of the Session of the Colombian Congress.

A second alternative was that by the close of the Session on the last day of October, without the ratification of the Treaty by Colombia, and without any steps taken by Panamá, the American

Congress on assembling early in November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panamá route, and yet there had not been a lapse of a reasonable time—using the word reasonable in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed, on the whole, the most likely, and as a matter of fact I had made the original draft of my Message to the Congress with a view to its existence.

It was the opinion of eminent international jurists that, in view of the fact that the great design of our guarantee under the Treaty of 1846* was to dedicate the Isthmus to the purposes of inter-oceanic transit, and above all to secure the construction of an interoceanic canal, Colombia could not under existing conditions refuse to enter into a proper arrangement with the United States to that end, without violating the spirit and substantially repudiating the obligations of a Treaty the full benefits of which she had enjoyed for over fifty years. My intention was to consult the Congress as to whether, under such circumstances, it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered, and no others; and that if such terms were not agreed to we would enter into an arrangement with Panamá direct, or take what other steps were needful in order to begin the enterprise.

A third possibility was that the people of the Isthmus, who had formerly constituted an independent State, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Every one knew that it was a possibility, but it was not until towards the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and towards the end the likelihood, of such a revolutionary outbreak and of its success. It was a matter of common notoriety. Quotations from the daily papers could be indefinitely multiplied to show this state of affairs; a very few will suffice. From Costa Rica on the 31st August a special was sent to the "Washington Post," running as follows:—

* New Granada and the United States. Signed December 12, 1846, Vol. XXXVI, page 994.

"San José, Costa Rica, August 31.

"Travellers from Panamá report the Isthmus alive with fires of a new revolution. It is inspired, it is believed, by men who, in Panamá and Colon, have systematically engendered the pro-American feeling to secure the building of the Isthmian Canal by the United States.

"The Indians have risen, and the late followers of General Benjamin Herrera are mustering in the mountain villages, preparatory to joining in an organized revolt, caused by the rejection of the Canal Treaty.

"Hundreds of stacks of arms, confiscated by the Colombian Government at the close of the late revolution, have reappeared from some mysterious source, and thousands of rifles that look suspiciously like the Mausers the United States captured in Cuba are issuing to the gathering forces from central points of distribution. With the arms goes ammunition, fresh from factories, showing the movement is not spasmodic, but is carefully planned.

* * * * *

"The Government forces in Panamá and Colon, numbering less than 1,500 men, are reported to be a little more than friendly to the revolutionary spirit. They have been ill-paid since the revolution closed, and their only hope of prompt payment is another war.

"General Huertes, Commander of the Forces, who is ostensibly loyal to the Bogotá Government, is said to be secretly friendly to the proposed revolution. At least, all his personal friends are open in denunciation of the Bogotá Government and the failure of the Colombian Congress to ratify the Canal Treaty.

"The consensus of opinion gathered from late arrivals from the Isthmus is that the revolution is coming, and that it will succeed."

A special despatch to the "Washington Post," under date of New York, 1st September, runs as follows:—

"B. G. Duque, editor and proprietor of the 'Panamá Star and Herald,' a resident of the Isthmus during the past twenty-seven years, who arrived to-day in New York, declared that if the Canal Treaty fell through a revolution would be likely to follow.

"There is a very strong feeling in Panamá," said Mr. Duque, "that Colombia, in negotiating the sale of a Canal Concession in Panamá, is looking for profits that might just as well go to Panamá herself.

"The Colombian Government, only the other day, suppressed a newspaper that dared to speak of independence for Panamá. A while ago there was a secret plan afoot to cut loose from Colombia and seek the protection of the United States."

In the "New York Herald" of the 10th September the following statement appeared.—

"Representatives of strong interests on the Isthmus of Panamá who make their head-quarters in this city are considering a plan of action to be undertaken in co-operation with men of similar views in Panamá and Colon to bring about a revolution and form an independent Government in Panamá opposed to that in Bogotá.

"There is much indignation on the Isthmus on account of the failure of the Canal Treaty, which is ascribed to the authorities at Bogotá. This opinion is believed to be shared by a majority of the Isthmians of all shades of political belief, and they think it is to their best interest for a new Republic to be formed on the Isthmus, which may negotiate directly with the United States a new Treaty which will permit the digging of the Panamá Canal under favourable conditions."

In the "New York Times," under date of the 13th September, there appeared from Bogotá the following statement:—

"A proposal made by Señor Perez y Sotos to ask the Executive to appoint an anti-Secessionist Governor in Panamá has been approved by the Senate. Speakers in the Senate said that Señor Obaldía, who was recently appointed Governor of Panamá, and who is favourable to a Canal Treaty, was a menace to the national integrity. Senator Marroquín protested against the action of the Senate.

"President Marroquín succeeded later in calming the Congressmen. It appears that he was able to give them satisfactory reasons for Governor Obaldía's appointment. He appears to realize the imminent peril of the Isthmus of Panamá declaring its independence.

"Señor Deroux, Representative for a Panamá constituency, recently delivered a sensational speech in the House. Among other things he said:

"In Panamá the Bishops, Governors, Magistrates, Military Chiefs, and their subordinates have been and are foreign to the Department. It seems that the Government, with surprising tenacity, wishes to exclude the Isthmus from all participation in public affairs. As regards international dangers in the Isthmus, all I can say is that if these dangers exist they are due to the conduct of the national Government, which is in the direction of reaction.

"If the Colombian Government will not take action with a view to preventing disaster, the responsibility will rest with it alone."

In the "New York Herald" of the 26th October it was reported that a revolutionary expedition of about seventy men had actually landed on the Isthmus. In the "Washington Post" of the 29th October it was reported from Panamá that, in view of the

impending trouble on the Isthmus, the Bogotá Government had gathered troops in sufficient numbers to at once put down an attempt at secession. In the "New York Herald" of the 30th October it was announced from Panamá that Bogotá was hurrying troops to the Isthmus to put down the projected revolt. In the "New York Herald" of the 2nd November it was announced that in Bogotá the Congress had indorsed the energetic measures taken to meet the situation on the Isthmus, and that 6,000 men were about to be sent thither.

Quotations like the above could be multiplied indefinitely. Suffice it to say that it was notorious that revolutionary trouble of a serious nature was impending upon the Isthmus. But it was not necessary to rely exclusively upon such general means of information. On the 15th October Commander Hubbard, of the navy, notified the Navy Department that, though things were quiet on the Isthmus, a revolution had broken out in the State of Cauca. On the 16th October, at the request of Lieutenant-General Young, I saw Captain C. B. Humphrey and Lieutenant Grayson Mallet-Prevost Murphy, who had just returned from a four months' tour through the northern portions of Venezuela and Colombia. They stopped in Panamá on their return in the latter part of September. At the time they were sent down there had been no thought of their going to Panamá, and their visit to the Isthmus was but an unpremeditated incident of their return journey; nor had they been spoken to by any one at Washington regarding the possibility of a revolt. Until they landed at Colon they had no knowledge that a revolution was impending, save what they had gained from the newspapers. What they saw in Panamá so impressed them that they reported thereon to Lieutenant-General Young, according to his Memorandum—

"That while on the Isthmus they became satisfied beyond question that, owing largely to the dissatisfaction because of the failure of Colombia to ratify the Hay-Herran Treaty, a revolutionary party was in course of organization having for its object the separation of the State of Panamá from Colombia, the leader being Dr. Richard Arango, a former Governor of Panamá; that when they were on the Isthmus arms and ammunition were being smuggled into the city of Colon in piano boxes, merchandize crates, &c., the small arms received being principally the Gras French rifle, the Remington, and the Mauser; that nearly every citizen in Panamá had some sort of rifle or gun in his possession, with ammunition therefor; that in the city of Panamá there had been organized a fire brigade which was really intended for a revolutionary military organization; that there were representatives of the revolutionary organization at all important points on the Isthmus; that in Panamá,

Colon, and the other principal places of the Isthmus police forces had been organized which were in reality revolutionary forces; that the people on the Isthmus seemed to be unanimous in their sentiment against the Bogotá Government, and their disgust over the failure of that Government to ratify the Treaty providing for the construction of the canal; and that a revolution might be expected immediately upon the adjournment of the Colombian Congress without ratification of the Treaty."

Lieutenant-General Young regarded their report as of such importance as to make it advisable that I should personally see these officers. They told me what they had already reported to the Lieutenant-General, adding that on the Isthmus the excitement was seething, and that the Colombian troops were reported to be disaffected. In response to a question of mine they informed me that it was the general belief that the revolution might break out at any moment, and, if it did not happen before, would doubtless take place immediately after the closing of the Colombian Congress (at the end of October) if the Canal Treaty were not ratified. They were certain that the revolution would occur, and before leaving the Isthmus had made their own reckoning as to the time, which they had set down as being probably from three to four weeks after their leaving. The reason they set this as the probable inside limit of time was that they reckoned that it would be at least three or four weeks—say, not until the 20th October—before a sufficient quantity of arms and munitions would have been landed.

In view of all these facts, I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus in the event of need arising. Orders were given on the 19th October to the *Boston* to proceed to San Juan del Sur, Nicaragua, to the *Dixie* to prepare to sail from League Island, and to the *Atlanta* to proceed to Guantanamo. On the 30th October the *Nashville* was ordered to proceed to Colon. On the 2nd November, when, the Colombian Congress having adjourned, it was evident that the outbreak was imminent, and when it was announced that both sides were making ready forces whose meeting would mean bloodshed and disorder, the Colombian troops having been embarked on vessels, the following instructions were sent to the Commanders of the *Boston*, *Nashville*, and *Dixie* :—

"Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panamá. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict."

These orders were delivered in pursuance of the policy on which our Government had repeatedly acted. This policy was exhibited in the following orders, given under somewhat similar circumstances last year, and the year before, and the year before that. The first two telegrams are from the Department of State to the Consul at Panamá:—

“*July 25, 1900.*

“You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panamá. The bombardment of Panamá would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the Treaty.”

“*November 20, 1901.*

“Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease, and that the United States will prevent the interruption of traffic upon the railroad. Consult with Captain of the *Iowa*, who will be instructed to land marines, if necessary, for the protection of the railroad in accordance with the Treaty rights and obligations of the United States. Desirable to avoid bloodshed if possible.”

The next three telegrams are from and to the Secretary of the Navy:—

“Ranger, Panamá.

“*September 12, 1902.*

“United States guarantees perfect neutrality of Isthmus, and that a free transit from sea to sea be not interrupted or embarrassed. . . . Any transportation of troops which might contravene these provisions of Treaty should not be sanctioned by you, nor should use of road be permitted which might convert the line of transit into theatre of hostility.—MOODY.”

“Secretary Navy, Washington.

“*Colon, September 20, 1902.*

“Everything is conceded. The United States guards and guarantees traffic and the line of transit. To-day I permitted the exchange of Colombian troops from Panamá to Colon, about 1,000 men each way, the troops without arms in train guarded by American naval force in the same manner as other passengers; arms and ammunition in separate train, guarded also by naval force in the same manner as other freight.—MCLEAN.”

“Secretary Navy, Washington, D.C.

“*Panamá, October 3, 1902.*

“Have sent this communication to the American Consul at Panamá:—

“ ‘Inform Governor while trains running under United States’ protection I must decline transportation any combatants, ammunition, arms, which might cause interruption traffic or convert line of transit into theatre hostilities.—CASEY.’ ”

On the 3rd November Commander Hubbard responded to the above-quoted telegram of the 2nd November, 1903, saying that before the telegram had been received 400 Colombian troops from Cartagena had landed at Colon; that there had been no revolution on the Isthmus, but that the situation was most critical if the revolutionary leaders should act. On this same date the Associated Press in Washington received a bulletin stating that a revolutionary outbreak had occurred. When this was brought to the attention of the Assistant Secretary of State, Mr. Loomis, he prepared the following cablegram to the Consul-General at Panamá and the Consul at Colon:—

“Uprising on Isthmus reported. Keep Department promptly and fully informed.”

Before this telegram was sent, however, one was received from Consul Malmros at Colon, running as follows:—

“Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire Department, Panamá, 441, are well organized, and favour revolution. Government vessel *Cartagena*, with about 400 men, arrived early to-day with new Commander-in-chief, Tobal. Was not expected until the 10th November. Tobal’s arrival is not probable to stop revolution.”

This cablegram was received at 2.35 P.M., and at 3.40 P.M. Mr. Loomis sent the telegram which he had already prepared to both Panamá and Colon. Apparently, however, the Consul-General at Panamá had not received the information embodied in the Associated Press bulletin, upon which the Assistant Secretary of State based his despatch; for his answer was that there was no uprising, although the situation was critical, this answer being received at 8.15 P.M. Immediately afterwards he sent another despatch, which was received at 9.50 P.M., saying that the uprising had occurred, and had been successful, with no bloodshed. The Colombian gun-boat *Bogotá* next day began to shell the city of Panamá, with the result of killing one Chinaman. The Consul-General was directed to notify her to stop firing. Meanwhile, on the 4th November, Commander Hubbard notified the Department that he had landed a force to protect the lives and property of American citizens against the threats of the Colombian soldiery.

Before any step whatever had been taken by the United States’ troops to restore order, the Commander of the newly-landed

Colombian troops had indulged in wanton and violent threats against American citizens, which created serious apprehension. As Commander Hubbard reported in his letter of the 5th November, this officer and his troops practically began war against the United States, and only the forbearance and coolness of our officers and men prevented bloodshed. The letter of Commander Hubbard is of such interest that it deserves quotation in full, and runs as follows :—

“ *United States’ ship Nashville, third rate, Colon,*

“SIR, *United States of Colombia, November 5, 1903.*

“Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department’s attention to those of the date of Wednesday, the 4th November, which amounted to practically the making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o’clock P.M. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States’ Consul, Vice-Consul, and Colonel Shaler, the General Superintendent of the Panamá Railroad. The Consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the Prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panamá on the evening of the 3rd November by the Independents and held as prisoners, were not released by 2 o’clock P.M., he, Torres, would open fire on the town of Colon, and kill every United States’ citizen in the place, and my advice and action were requested. I advised that all the United States’ citizens should take refuge in the shed of the Panamá Railroad Company, a stone building susceptible of being put into good state for defence, and that I would immediately land such body of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to, and I immediately returned on board, arriving at 1:15 P.M. The order for landing was immediately given, and at 1:30 P.M. the boats left the ship with a party of forty-two men under the command of Lieutenant-Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing I gave verbal orders to Mr. Witzel to take the building above referred to, to put it in the best state of defence possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panamá Railroad steamer *City of Washington*, both ready to haul out from dock if necessary. The *Nashville* I got under way and patrolled with her

along the water front close in and ready to use either small-arm or shrapnel fire. The Colombians surrounded the building of the Railroad Company almost immediately after we had taken possession, and for about one and a-half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great no shot was fired. At about 3:15 P.M. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension, and that he would like to send the Alcade of Colon to Panamá to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed. At about 5:30 P.M. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill, if I would withdraw the *Nashville's* force and leave the town in possession of the police until the return of the Alcade on the morning of the 5th. After an interview with the United States' Consul and Colonel Shaler as to the probability of good faith in the matter, I decided to accept the proposition and brought my men on board, the disparity in numbers between my force and that of the Colombians, nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperilled.

"I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation, and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

"I feel that I cannot sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

"Very respectfully,

"JOHN HUBBARD, *Commander, U.S.N.,*
Commanding.

"The Secretary of the Navy, Navy Department,
Washington, D.C."

In his letter of the 8th November Commander Hubbard sets forth the facts more in detail :—

"*United States' ship Nashville, third rate, Porto Bello,*
"SIR, *United States of Colombia, November 8, 1903.*

"I have the honour to make the following report of the occurrences which took place at Colon and Panamá in the interval

between the arrival of the *Nashville* at Colon on the evening of the 2nd November, 1903, and the evening of the 5th November, 1903, when by the arrival of the United States' ship *Dixie* at Colon I was relieved as Senior Officer by Commander F. H. Delano, United States' Navy.

"At the time of the arrival of the *Nashville* at Colon at 5:30 P.M. on the 2nd November everything on the Isthmus was quiet. There was talk of proclaiming the independence of Panamá, but no definite action had been taken, and there had been no disturbance of peace and order. At daylight on the morning of the 3rd November it was found that a vessel which had come in during the night was the Colombian gun-boat *Cartagena*, carrying between 400 and 500 troops. I had her boarded and learned that these troops were for the garrison at Panamá. Inasmuch as the Independent party had not acted, and the Government of Colombia was at the time in undisputed control of the Province of Panamá, I did not feel, in the absence of any instructions, that I was justified in preventing the landing of these troops, and at 8:30 o'clock they were disembarked. The Commanding Officers, Generals Amaya and Tobal, with four others, immediately went over to Panamá to make arrangements for receiving and quartering their troops, leaving the command in charge of an officer whom I later learned to be Colonel Torres. The Department's message addressed to the care of the United States' Consul I received at 10:30 A.M.; it was delivered to one of the ship's boats while I was at the Consul's, and not to the Consul as addressed. The message was said to have been received at the cable office at 9:30 A.M. Immediately on decyphering the message I went on shore to see what arrangements the Railroad Company had made for the transportation of these troops to Panamá, and learned that the Company would not transport them except on request of the Governor of Panamá, and that the Prefect at Colon and the officer left in command of the troops had been so notified by the General Superintendent of the Panamá Railroad Company. I remained at the Company's office until it was sure that no action on my part would be needed to prevent the transportation of the troops that afternoon, when I returned on board and cabled the Department the situation of affairs. At about 5:30 P.M. I again went on shore, and received notice from the General Superintendent of the railroad that he had received the request for the transportation of the troops, and that they would leave on the 8 A.M. train on the following day. I immediately went to see the General Superintendent, and learned that it had just been announced that a Provisional Government had been established at Panamá—that Generals Amaya and Tobal, the Governor of Panamá, and four officers, who had gone to Panamá in the morning, had been seized

and were held as prisoners; that they had an organized force of 1,500 troops, and wished the Government troops in Colon to be sent over. This I declined to permit, and verbally prohibited the General Superintendent from giving transportation to the troops of either party.

"It being then late in the evening I sent early in the morning of the 4th November written notification to the General Superintendent of the Panamá Railroad, to the Prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus. Copies of these letters are hereto appended; also copy of my notification to the Consul. Except to a few people nothing was known in Colon of the proceedings in Panamá until the arrival of the train at 10:45 on the morning of the 4th. Some propositions were, I was later told, made to Colonel Torres by the representatives of the new Government at Colon, with a view to inducing him to re-embark in the *Cartagena* and return to the port of Cartagena, and it was in answer to this proposition that Colonel Torres made the threat and took the action reported in my letter of the 5th November, 1903. The *Cartagena* left the port just after the threat was made, and I did not deem it expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet. It is my understanding that she returned to Cartagena. After the withdrawal of the Colombian troops on the evening of the 4th November, and the return of the *Nashville's* force on board, as reported in my letter, No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the Commander of the Colombian troops had not withdrawn so far from the town as he had agreed, but was occupying buildings near the outskirts of the town. I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the Alcade due at 10:45 A.M., unless General Tobal sent word by the Alcade that he, Colonel Torres, should withdraw. That General Tobal had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, reoccupied the same building; also landed two 1-pounders and mounted them on platform cars behind protection of cotton bales, and then in company with the United States' Consul had an interview with Colonel Torres, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that

I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

"Colonel Torres' only reply was that it was unhealthy at Monkey Hill, a reiteration of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

"On the return of the Alcade at about 11 A.M. the Colombian troops marched into Colon, but did not assume the threatening demeanour of the previous day. The American women and children again went on board the *Marcomania* and *City of Washington*, and through the British Vice-Consul I offered protection to British subjects as directed in the Department's cablegram. A copy of the British Vice-Consul's acknowledgment is hereto appended. The *Nashville* I got under way as on the previous day, and moved close in to protect the water front. During the afternoon several propositions were made to Colonel Torres by the representatives of the new Government, and he was finally persuaded by them to embark on the Royal mail-steamer *Orinoco* with all his troops and return to Cartagena. The *Orinoco* left her dock with the troops—474 all told—at 7:35 P.M. The *Dixie* arrived and anchored at 7:5 P.M., when I went on board and acquainted the Commanding Officer with the situation. A portion of the marine battalion was landed and the *Nashville's* force withdrawn.

"On the evening of the 4th November Major William M. Black and Lieutenant Mark Brooke, Corps of Engineers, United States' Army, came to Colon from Culebra and volunteered their services, which were accepted, and they rendered very efficient help on the following day.

"I beg to assure the Department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the Provisional Government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly

neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

“Very respectfully,

“JOHN HUBBARD, *Commander, U.S.N.,*
Commanding.

“The Secretary of the Navy, Bureau of Navigation,
Navy Department, Washington, D.C.”

This plain official account of the occurrences of the 4th November, shows that, instead of there having been too much prevision by the American Government for the maintenance of order and the protection of life and property on the Isthmus, the orders for the movement of the American war-ships had been too long delayed; so long, in fact, that there were but forty-two marines and sailors available to land and protect the lives of American men and women. It was only the coolness and gallantry with which this little band of men wearing the American uniform faced ten times their number of armed foes, bent on carrying out the atrocious threat of the Colombian Commander, that prevented a murderous catastrophe. At Panamá, when the revolution broke out, there was no American man-of-war and no American troops or sailors. At Colon, Commander Hubbard acted with entire impartiality towards both sides, preventing any movement, whether by the Colombians or the Panamanians, which would tend to produce bloodshed. On the 9th November he prevented a body of the revolutionists from landing at Colon. Throughout he behaved in the most creditable manner. In the “New York Evening Post,” under date of Panamá, 8th December, there is an article from a special correspondent, which sets forth in detail the unbearable oppression of the Colombian Government in Panamá. In this article is an interesting interview with a native Panaman, which runs in part as follows:—

“ . . . We looked upon the building of the canal as a matter of life or death to us. We wanted that because it meant, with the United States in control of it, peace and prosperity for us. President Marroquin appointed an Isthmian to be Governor of Panamá; and we looked upon that as of happy augury. Soon we heard that the Canal Treaty was not likely to be approved at Bogotá; next we heard that our Isthmian Governor, Obaldía, who had scarcely assumed power, was to be superseded by a soldier from Bogotá. . . .

“Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college where our children

could be educated, nor do anything at all to advance our industries. . . . Well, when the new Generals came we seized them, arrested them, and the town of Panamá was in joy. Not a protest was made, except the shots fired from the Colombian gunboat *Bogotá*, which killed one Chinese lying in his bed. We were willing to encounter the Colombian troops at Colon and fight it out; but the Commander of the United States' cruiser *Nashville* forbade Superintendent Shaler to allow the railroad to transport troops for either party. That is our story."

I call especial attention to the concluding portion of this interview which states the willingness of the Panamá people to fight the Colombian troops and the refusal of Commander Hubbard to permit them to use the railroad and therefore to get into a position where the fight could take place. It thus clearly appears that the fact that there was no bloodshed on the Isthmus was directly due—and only due—to the prompt and firm enforcement by the United States of its traditional policy. During the past forty years revolutions and attempts at revolution have succeeded one another with monotonous regularity on the Isthmus, and again and again United States' sailors and marines have been landed as they were landed in this instance and under similar instructions to protect the transit. One of these revolutions resulted in three years of warfare; and the aggregate of bloodshed and misery caused by them has been incalculable. The fact that in this last revolution not a life was lost, save that of the man killed by the shells of the Colombian gunboat, and no property destroyed, was due to the action which I have described. We, in effect, policed the Isthmus in the interest of its inhabitants and of our own national needs, and for the good of the entire civilized world. Failure to act as the Administration acted would have meant great waste of life, great suffering, great destruction of property; all of which was avoided by the firmness and prudence with which Commander Hubbard carried out his orders and prevented either party from attacking the other. Our action was for the peace both of Colombia and of Panamá. It is earnestly to be hoped that there will be no unwise conduct on our part which may encourage Colombia to embark on a war which can not result in her regaining control of the Isthmus, but which may cause much bloodshed and suffering.

I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panamá. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting,

or encouraging the late revolution on the Isthmus of Panamá, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panamá declared themselves an independent Republic. The recognition by this Government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new State should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of non-intervention, and, as a corollary of that principle, has generally been observed by the United States. But, like the principle from which it is deduced, the rule is subject to exceptions; and there are, in my opinion, clear and imperative reasons why a departure from it was justified and even required in the present instance. These reasons embrace, first, our Treaty rights; second, our national interests and safety; and, third, the interest of collective civilization.

I have already adverted to the Treaty of 1846, by the XXXVth Article of which the United States secured the right to a free and open transit across the Isthmus of Panamá, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory. This Article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition. That our wise and patriotic ancestors, with all their dread of entangling alliances, would have entered into a Treaty with New Granada solely, or even primarily, for the purpose of enabling that remnant of the original Republic of Colombia, then resolved into the States of New Granada, Venezuela, and Ecuador, to continue from Bogotá to rule over the Isthmus of Panamá is a conception that would in itself be incredible, even if the contrary did not clearly appear. It is true that since the Treaty was made the United States has again and again been obliged forcibly to intervene for the preservation of order and the maintenance of an open transit, and that this intervention has usually operated to the advantage of the titular Government of Colombia, but it is equally true that the United States, in intervening, with or without Colombia's consent, for the protection of the transit, has disclaimed any duty

to defend the Colombian Government against domestic insurrection or against the erection of an independent Government on the Isthmus of Panamá. The attacks against which the United States engaged to protect New Granadian sovereignty were those of foreign Powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the Article was to assure the dedication of the Isthmus to the purposes of free and unobstructed interoceanic transit, the consummation of which would be found in an interoceanic canal. To the accomplishment of this object the Government of the United States had for years directed its diplomacy. It occupied a place in the instructions to our Delegates to the Panamá Congress during the Administration of John Quincy Adams. It formed the subject of a Resolution of the Senate in 1835, and of the House of Representatives in 1839. In 1846 its importance had become still more apparent by reason of the Mexican war. If the Treaty of 1846 did not in terms bind New Granada to grant reasonable concessions for the construction of means of interoceanic communication, it was only because it was not imagined that such concessions would ever be withheld. As it was expressly agreed that the United States, in consideration of its onerous guarantee of New Granadian sovereignty, should possess the right of free and open transit on any modes of communication that might be constructed, the obvious intent of the Treaty rendered it unnecessary, if not superfluous, in terms to stipulate that permission for the construction of such modes of communication should not be denied.

Long before the conclusion of the Hay-Herran Treaty the course of events had shown that a canal to connect the Atlantic and Pacific Oceans must be built by the United States or not at all. Experience had demonstrated that private enterprise was utterly inadequate for the purpose; and a fixed policy, declared by the United States on many memorable occasions, and supported by the practically unanimous voice of American opinion, had rendered it morally impossible that the work should be undertaken by European Powers, either singly or in combination. Such were the universally recognized conditions on which the legislation of the Congress was based, and on which the late negotiations with Colombia were begun and concluded. Nevertheless, when the well-considered Agreement was rejected by Colombia and the revolution on the Isthmus ensued, one of Colombia's first acts was to invoke the intervention of the United States; nor does her invitation appear to have been confined to this Government alone. By a telegram from M. Beaupré, our Minister at Bogotá, of the 7th November last we were informed that General Reyes would soon leave Panamá invested with full powers; that he had telegraphed the President of

Mexico to ask the Government of the United States and all countries represented at the Pan-American Conference "to aid Colombia to preserve her integrity"; and that he had requested that the Government of the United States should meanwhile "preserve the neutrality and transit of the Isthmus," and should "not recognize the new Government." In another telegram from M. Beaupré, which was sent later in the day, this Government was asked whether it would take action "to maintain Colombian right and sovereignty on the Isthmus in accordance with Article XXXV [of] the Treaty of 1846" in case the Colombian Government should be "entirely unable to suppress the secession movement there." Here was a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the Treaty of 1846 as this Government has uniformly construed it, a new revolt against Colombia's authority brought about by her own refusal to permit the fulfilment of the great design for which that Treaty was made. It was under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the Treaty a reality, recognized them as the proper custodians of the sovereignty of the Isthmus.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our international relations I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defence. In transmitting to the Senate the Treaty of 1846, President Polk pointed out as the principal reason for its ratification that the passage of the Isthmus, which it was designed to secure, "would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn, and render our communication with our own possessions on the north-west coast of America comparatively easy and speedy." The events of the past five years have given to this consideration an importance immeasurably greater than it possessed in 1846. In the light of our present situation, the establishment of easy and speedy communication by sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity which do not admit of indefinite delays.

To such delays the rejection by Colombia of the Hay-Herran Treaty directly exposed us. As proof of this fact I need only refer to the programme outlined in the report of the majority of the

Panamá Canal Committee, read in the Colombian Senate on the 14th October last. In this report, which recommended that the discussion of a law to authorize the Government to enter upon new negotiations should be indefinitely postponed, it is proposed that the consideration of the subject should be deferred till the 31st October, 1904, when the next Colombian Congress should have met in ordinary session. By that time, as the report goes on to say, the extension of time granted to the New Panamá Canal Company by Treaty in 1893 would have expired, and the new Congress would be in a position to take up the question, whether the Company had not, in spite of further extensions that had been granted by legislative acts, forfeited all its property and rights. "When that time arrives," the report significantly declares, "the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession, both legally and materially." The naked meaning of this report is that Colombia proposed to wait until, by the enforcement of a forfeiture repugnant to the ideas of justice which obtain in every civilized nation, the property and rights of the New Panamá Canal Company could be confiscated.

Such is the scheme to which it was proposed that the United States should be invited to become a party. The construction of the canal was to be relegated to the indefinite future, while Colombia was, by reason of her own delay, to be placed in the "more advantageous" position of claiming not merely the compensation to be paid by the United States for the privilege of completing the canal, but also the forty millions authorized by the Act of 1902 to be paid for the property of the New Panamá Canal Company. That the attempt to carry out this scheme would have brought Colombia into conflict with the Government of France cannot be doubted; nor could the United States have counted upon immunity from the consequences of the attempt, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia this Government would have been summoned to interpose, in order to give effect to the guarantees of the Treaty of 1846; and all this in support of a plan which, while characterized in its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to the citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the Isthmus have become a matter of history.

In the third place, I confidently maintain that the recognition of the Republic of Panamá was an act justified by the interests of collective civilization. If ever a Government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the

United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bülwer Treaty and agreed to its abrogation, receiving in return nothing but our honourable pledge to build the canal and protect it as an open highway. It was in view of this pledge, and of the proposed enactment by the Congress of the United States of legislation to give it immediate effect, that the second Pan-American Conference at the city of Mexico on the 22nd January, 1902, adopted the following Resolution:—

“The Republics assembled at the International Conference at Mexico applaud the purpose of the United States’ Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.”

Among those who signed this Resolution on behalf of their respective Governments was General Reyes, the Delegate of Colombia. Little could it have been foreseen that two years later the Colombian Government, led astray by false allurements of selfish advantage, and forgetful alike of its international obligations and of the duties and responsibilities of sovereignty, would thwart the efforts of the United States to enter upon and complete a work which the nations of America, re-echoing the sentiment of the nations of Europe, had pronounced to be not only “worthy of the greatness of the American people,” but also “in the highest sense a work of civilization.”

That our position as the mandatory of civilization has been by no means misconceived is shown by the promptitude with which the Powers have, one after another, followed our lead in recognizing Panamá as an independent State. Our action in recognizing the new Republic has been followed by like recognition on the part of France, Germany, Denmark, Russia, Sweden and Norway, Nicaragua, Peru, China, Cuba, Great Britain, Italy, Costa Rica, Japan, and Austria-Hungary.

In view of the manifold considerations of Treaty right and obligation, of national interest and safety, and of collective civilization, by which our Government was constrained to act, I am at a loss to comprehend the attitude of those who can discern in the recognition of the Republic of Panamá only a general approval of

the principle of "revolution" by which a given Government is overturned or one portion of a country separated from another. Only the amplest justification can warrant a revolutionary movement of either kind. But there is no fixed rule which can be applied to all such movements. Each case must be judged on its own merits. There have been many revolutionary movements, many movements for the dismemberment of countries, which were evil, tried by any standard. But in my opinion no disinterested and fair-minded observer acquainted with the circumstances can fail to feel that Panamá had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the entire civilized world by securing the immediate opportunity for the building of the interoceanic canal. It would be well for those who are pessimistic as to our action in peacefully recognizing the Republic of Panamá, while we lawfully protected the transit from invasion and disturbance, to recall what has been done in Cuba, where we intervened even by force on general grounds of national interest and duty. When we interfered it was freely prophesied that we intended to keep Cuba and administer it for our own interests. The result has demonstrated in singularly conclusive fashion the falsity of these prophecies. Cuba is now an independent Republic. We governed it in its own interests for a few years, till it was able to stand alone, and then started it upon its career of self-government and independence, granting it all necessary aid. We have received from Cuba a grant of two naval stations, so situated that they in no possible way menace the liberty of the island, and yet serve as important defences for the Cuban people, as well as for our own people, against possible foreign attack. The people of Cuba have been immeasurably benefited by our interference in their behalf, and our own gain has been great. So will it be with Panamá. The people of the Isthmus, and as I firmly believe of the adjacent parts of Central and South America, will be greatly benefited by the building of the canal, and the guarantee of peace and order along its line; and hand in hand with the benefit to them will go the benefit to us and to mankind. By our prompt and decisive action, not only have our interests and those of the world at large been conserved, but we have forestalled complications which were likely to be fruitful in loss to ourselves, and in bloodshed and suffering to the people of the Isthmus.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the Isthmus to those whom they regarded as oppressors, we shall, as in duty bound, keep the transit

open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the Treaty. For it is to be remembered that a failure to ratify the Treaty will not undo what has been done, will not restore Panamá to Colombia, and will not alter our obligation to keep the transit open across the Isthmus, and to prevent any outside power from menacing this transit.

It seems to have been assumed in certain quarters that the proposition that the obligations of Article XXXV of the Treaty of 1846* are to be considered as adhering to and following the sovereignty of the Isthmus, so long as that sovereignty is not absorbed by the United States, rests upon some novel theory. No assumption could be further from the fact. It is by no means true that a State in declaring its independence rids itself of all the Treaty obligations entered into by the parent Government. It is a mere coincidence that this question was once raised in a case involving the obligations of Colombia as an independent State under a Treaty which Spain had made with the United States many years before Spanish-American independence. In that case Mr. John Quincy Adams, Secretary of State, in an instruction to Mr. Anderson, our Minister to Colombia, of the 27th May, 1823, said:—

“By a Treaty between the United States and Spain concluded at a time when Colombia was a part of the Spanish dominions the principle that free ships make free goods was expressly recognized and established. It is asserted that by her declaration of independence Colombia has been entirely released from all the obligations by which, as a part of the Spanish nation, she was bound to other nations. This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honour and in justice. The stipulation now referred to is of that character.”

The principle thus asserted by Mr. Adams was afterwards sustained by an International Commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent State of Texas of commercial stipulations embodied in prior Treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far. Even if it be admitted that prior Treaties of a political and commercial complexion generally do not bind a new State formed by separation, it is undeniable that stipulations having a local application to the territory embraced in the new State continue in force and are binding upon the new sovereign. Thus it is on all hands conceded that Treaties relating to boundaries and to

* Vol. XXXVI, page 994.

rights of navigation continue in force without regard to changes in Government or in sovereignty. This principle obviously applies to that part of the Treaty of 1846 which relates to the Isthmus of Panamá.

In conclusion let me repeat that the question actually before this Government is not that of the recognition of Panamá as an independent Republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian Canal.

I transmit herewith copies of the latest notes from the Minister of the Republic of Panamá to this Government, and of certain notes which have passed between the special Envoy of the Republic of Colombia and this Government.

White House, January 4, 1904.

THEODORE ROOSEVELT.

Department of State, Washington,

January 4, 1904.

THE PRESIDENT,

THE Undersigned, Acting Secretary of State, has the honour to lay before the President copies of the notes exchanged between General Reyes and the Secretary of State concerning this Government's attitude in case Colombian troops should be sent to the Republic of Panamá; also copies of two notes addressed to this Department by the Minister of the Republic of Panamá at this capital, the first stating that it is the purpose of the Government of that Republic, as soon as its independence shall have been recognized by the Government of the Republic of Colombia, to assume a portion of the exterior debt of Colombia proportionate to the relative populations of the two Republics; the second in regard to the method of payment of 10,000,000 dollars, the payment of which by the United States to Panamá is stipulated by the Convention concluded between them on the 18th November, 1903.*

Respectfully submitted.

FRANCIS B. LOOMIS, *Acting Secretary.*

Legation of Colombia on Special Mission.

(Translation.)

Arlington Hotel, Washington, D.C.,

MR. SECRETARY,

December 8, 1903.

I HAVE the honour to address your Excellency for the purpose of stating respectfully that I have received from my Government instructions to inquire what attitude would be assumed by the Government of the United States in the event, which may take

place, of Colombian troops or forces under the Colombian flag making their appearance on the Isthmus, or attempting a landing on that territory, for the defence of the sovereignty and integrity of Colombia, and respecting the railroad line and the terminal points, in accordance with the stipulation of the Treaty of 1846, which my country is ever ready to observe.

I salute, &c.,

*Hon. John Hay, Secretary of State
of the United States, Department of State.*

RAFAEL REYES.

*Department of State, Washington,
December 11, 1903.*

SIR,

I BEG leave to acknowledge your communication of the 8th December, in which you state that you have been directed by your Government to ask "what attitude would be assumed by the Government of the United States in the event, which may take place, of Colombian troops or forces under the Colombian flag making their appearance on the Isthmus, or attempting a landing in that territory, for the defence of the sovereignty and integrity of Colombia, and respecting the railroad line and the terminal points, in accordance with the stipulation of the Treaty of 1846, which my country is ever ready to observe."

I have quoted your question textually, and in reference to it I am instructed by the President to bring to the attention of your Excellency the following fact: That the Republic of Panamá proclaimed its independence on the 3rd of last month; that in consequence of this movement the independence of Panamá has been recognized by this Government and by many others; that a Treaty has been signed between the United States and Panamá, which has been ratified by the latter State and is now waiting ratification by the American Senate; that by the provisions of the said Treaty the United States agrees to maintain the independence of the Republic of Panamá; that although the Treaty has not yet become law by the action of the Senate, there are already inchoate rights and duties created by it which place the responsibility of preserving peace and order on the Isthmus in the hands of the Government of the United States and of Panamá, even if such responsibilities were not imposed by the historical events of the last fifty years.

In view of these facts I am instructed to say to your Excellency that the Government of the United States would regard with the gravest concern any invasion of the territory of Panamá by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and

for the broader reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panamá.

I have, &c.,

General Rafael Reyes, &c.

JOHN HAY.

Department of State, Washington,

December 30, 1903.

DEAR MR. MINISTER,

I HAVE received the letter which you have done me the honour to address me under date of yesterday, in which, obeying the instructions of your Government, you ask me to say whether the invasion of the territory of the Republic of Panamá by Colombian soldiers will be considered by the United States as a declaration of war.

I beg to remind your Excellency that when, on the 8th December, you addressed a similar question to this Department I replied on the 11th, reciting the following facts:—

“That the Republic of Panamá proclaimed its independence on the 3rd of last month; that in consequence of this movement the independence of Panamá has been recognized by this Government and by many others; that a Treaty has been signed between the United States and Panamá which has been ratified by the latter State and is now awaiting ratification by the American Senate; that by the provisions of the said Treaty the United States agrees to maintain the independence of the Republic of Panamá; that although the Treaty has not yet become a law by the action of the Senate, there are already inchoate rights and duties created by it which place the responsibility of preserving peace and order on the Isthmus in the hands of the Government of the United States and of Panamá, even if such responsibility were not imposed by the historical events of the last fifty years.”

I then had the honour to inform you that—

“The Government of the United States would regard with the gravest concern any invasion of the territory of Panamá by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panamá.”

In reply to your question received yesterday, I can only reiterate what I had the honour to say on the 11th of this month, and to add that the time which has elapsed since then has only tended to deepen the painful impression which would be created in

this country by the armed invasion of Panaman territory by Colombian troops, and the sense of the responsibility which would thereby be imposed on the Government of the United States; but that the formal action we should take upon such a contingency must be determined by the circumstances of the case. I am instructed further to inform you that this Government has only the friendliest intentions toward Colombia, and will not lightly be provoked into assuming a hostile attitude toward that Republic.

I have, &c.,

General Rafael Reyes, &c.

JOHN HAY.

The Minister of Panamá to the Secretary of State.

The Legation of the Republic of Panamá,

DEAR SIR,

Washington, D.C., December 31, 1903.

THE Treaty of the 18th November, 1903, provides for the payment to the Republic of Panamá of the sum of 10,000,000 dollars after the exchange of ratifications.

The Government of the Republic of Panamá has always been anxious to insure a proper and useful employment of said sum. The Delegates of the Government, Dr. Amador and Señor Don Frederico Boyd, have repeatedly told me that the principle which the Government intended to carry out for the employment of said sum was, not to invest any part of the capital in anything but consistent works which would permanently represent the counter value of the expenses incurred.

According to this principle the Government expressed the desire to take only 2,000,000 dollars out of the 10,000,000 dollars from the United States' Treasury after exchange of ratifications, leaving the remaining 8,000,000 dollars in the United States' Treasury to be later on employed according to the necessities of the future and to the principle which I explained above.

At the same time the Government desired that this sum should be productive of interest in order to help to obtain the equilibrium of the Budget.

According to the recommendations that were made to me by the Government of the Republic, I was requested to ask the Government of the United States, if it would accept, to pay an interest of 3 per cent. on the sum remaining in its hands out of the total sum of 10,000,000 dollars provided for in the Treaty of the 18th November.

The interest to be paid on the 8,000,000 dollars that the Government intends now to leave in the American Treasury would be 240,000 dollars.

The expression of this desire of my Government came by mail

after the signature of the Treaty, and I did not feel justified at that moment to call your attention to this point on account of the more important matters which required your attention; but now that the situation has progressed, and that the Treasury Department may be considering the measures to be taken in the event of a prompt ratification of the Treaty, I feel justified in submitting the case to your Excellency so that if the United States' Government thinks the intentions of the Republic of Panamá in harmony with its own, a special Convention may be drafted to settle this particular point.

I am, &c.,

His Excellency John Hay,

P. BUNAU VARILLA.

Secretary of State, Washington, D.C.

The Minister of Panamá to the Secretary of State.

Legation of the Republic of Panamá at Washington,

DEAR SIR,

Washington, D.C., December 31, 1903.

I HAVE the honour of bringing to your knowledge that by a telegram received during the night of the 21st December, I have been authorized by my Government to declare that the Republic of Panamá, as soon as its independence shall be recognized by the Republic of Colombia, intends to assume a part of Colombia's exterior debt of which the principal was settled at 2,000,000*l.* by special Convention and which is now accrued by the unpaid interest. The Republic of Panamá has determined that the proportion of that debt it is ready to assume will be equal to the proportion between its population and the population of Colombia, a proportion which is not very far from one to fifteen.

I beg, Sir, to call your attention to the fact that the Government of the Republic of Panamá, in making such declaration, is actuated by the desire of showing its good faith and its liberality towards the citizens of foreign countries who may think they have a just claim against it, rather than by the sentiment that by right they owe any part of the Colombian debt.

The distribution, according to the number of inhabitants of the two Republics, would be just only if it could be established, which is generally the case, that the money has been employed for the common utility of all the parts of the Republic and that Panamá has enjoyed its share of it. On the contrary, this distribution is not just and ought not to be made in strict right if, as is the case, no part of the loans were ever employed for the benefit of the State of Panamá, now the Republic of Panamá. Since its union to greater Colombia, for the liberation of which said loans were made, the State of Panamá has never received any money from the mother

country, but, on the contrary, it has sent to it very important sums, and one can say, as a rule, that the funds never went from Bogotá to Panamá, but always from Panamá to Bogotá. It will be easy to establish that the Department of Panamá is the creditor of Colombia and not its debtor and that, therefore, it does not owe to Colombia anything neither for its external debt nor from any other cause.

This would have been a substantial and legal ground for non-assumption of any part of the Colombian debt, but, as I had the honour of stating to you, the Government of the Republic has felt itself bound to justify, not by arguments, but by facts, the testimony of confidence, esteem, and good-will which have come from all the Governments of the greatest nations of earth since the recent date of its birth.

I am, &c.,

His Excellency John Hay,

P. BUNAU VARILLA.

Secretary of State, Washington, D.C.

ACT of Congress of the United States to afford Protection to Exhibitors of Foreign Literary, Artistic, or Musical Works at the Louisiana Purchase Exposition.

[No. 2.]

[January 7, 1904.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That the author of any book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph published abroad prior to the 30th November, 1904, but not registered for copyright protection in the United States' Copyright Office, or the heirs and assigns of such author, shall have in the case of any such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph intended for exhibition at the Louisiana Purchase Exposition the sole liberty of printing, reprinting, publishing, copying, and vending the same within the limits of the United States for the term herein provided for upon complying with the provisions of this Act.

Sec. 2. That one copy of such book, map, chart, dramatic composition, musical composition, engraving, cut, print, chromo, lithograph, or photograph to be exhibited as herein provided shall be delivered at the Copyright Office, Library of Congress, at Washington, District of Columbia, with a statement duly subscribed to in writing that the book or other article is intended for such exhibition, and that the copyright protection herein provided for is desired by

the copyright proprietor, whose full name and legal residence is to be stated in the application.

Sec. 3. That the Registrar of Copyrights shall record the title of each volume of any such book or other article herein provided for, or, if the article lacks a title, shall record a brief description of it sufficient to identify it, in a special series of record books to be designated the "Interim Copyright Record Books," and shall furnish to the copyright claimant a copy of record under seal of such recorded title or description, and the said title or description is to be included in the Catalogue of Title Entries provided for in section 4 of the Act of the 3rd March, 1891.*

Sec. 4. That a fee of 1 dol. 50 c. shall be paid to the Registrar of Copyrights for each title or description to be recorded and a certified copy of the record of the same, and in the case of a work in more than one volume the same amount, 1 dol. 50 c. shall be paid for each volume, and the Registrar of Copyrights shall deposit all such fees paid in the Treasury of the United States, and report and account for the same in accordance with the provisions in relation to copyright fees of the Appropriation Act, approved the 19th February, 1897.

Sec. 5. That the copyright protection herein provided for shall be for the term of two years from the date of the receipt of the book or other article in the Copyright Office.

Sec. 6. That if at any time during the term of the copyright protection herein provided for two copies of the original text of any such book, or of a translation of it in the English language, printed from type set within the limits of the United States or from plates made therefrom, or two copies of any such photograph, chromo, or lithograph printed from negatives or drawings on stone made within the limits of the United States or from transfers made therefrom, are deposited in the Copyright Office, Library of Congress, at Washington, District of Columbia, such deposit shall be held to extend the term of copyright protection to such book, photograph, chromo, or lithograph for the full terms provided for in Title 60, Chapter III, of the Revised Statutes of the United States, computed from the date of the receipt of the book, photograph, chromo, or lithograph, and the registration of the title or description as herein provided for.

Sec. 7. That in the case of an original work of the fine arts (a painting, drawing, statue, statuary, and a model or design intended to be perfected as a work of the fine arts) which has been produced without the limits of the United States prior to the 30th day of November, 1904, and is intended for exhibition at the Louisiana Purchase Exposition, the author of such work of art, or

* Vol. LXXXIII, page 97.

his heirs and assigns, shall be granted copyright protection therefor during a period of two years from the date of filing in the Copyright Office, Library of Congress, at Washington, District of Columbia, a description of the said work of art and a photograph of it, and upon paying to the Registrar of Copyrights 1 dol. 50 c. for the registration of such description, and a copy of record under seal of such recorded description.

Sec. 8. That, except in so far as this Act authorizes and provides for temporary copyright protection during the period and for the purposes herein provided for, it shall not be construed or held to in any manner affect or repeal any of the provisions of the Revised Statutes relating to copyrights and the Acts amendatory thereof. That no registration under this Act shall be made after the 30th day of November, 1904.

Approved, January 7, 1904.

PROCLAMATION by the President of the United States of America of Neutrality during the War between Russia and Japan.—Washington, February 11, 1904.

WHEREAS a state of war unhappily exists between Japan, on the one side, and Russia, on the other side;

And whereas the United States are on terms of friendship and amity with both the contending Powers and with the persons inhabiting their several dominions;

And whereas there are citizens of the United States residing within the territories or dominions of each of the said belligerents, and carrying on commerce, trade, or other business or pursuits therein, protected by the faith of Treaties;

And whereas there are subjects of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

And whereas the laws of the United States, without interfering with the free expression of opinion and sympathy, or with the open manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

And whereas it is the duty of a neutral Government not to permit or suffer the making of its waters subservient to the purposes of war;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, in order to preserve the neutrality of the United States and of their citizens, and of persons within their territory and jurisdiction, and to enforce their laws, and in order that all persons, being warned of the general tenour of the Laws and Treaties of the United States in this behalf, and of the law of nations, may thus be prevented from an unintentional violation of the same, do hereby declare and proclaim that, by the Act passed on the 20th day of April, A.D. 1818,* commonly known as the "Neutrality Law," the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:—

"1. Accepting and exercising a commission to serve either of the said belligerents by land or by sea against the other belligerent.

"2. Enlisting or entering into the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

"3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

"4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

"5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

"6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

"7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said Act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war which, at the time of its arrival within the United States, was fitted and equipped as such vessel of war, enlist or enter himself, or hire or retain another subject or citizen of the same belligerent, who is transiently within the United States, to enlist or enter himself to serve such belligerent on board such vessel of war if the United States shall then be at peace with such belligerent.)

"8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with

* Vol. IX, page 382.

intent that such ship or vessel shall be employed in the service of either of the said belligerents.

"9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

"10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents, or belonging to the subjects of either, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war.

"11. Beginning or setting on foot, or providing, or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents."

And I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of either belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers, or merchant-vessels of the other belligerent lying within, or being about to enter, the jurisdiction of the United States, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this Government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the 15th day of February instant, and during the continuance of the present hostilities between Japan and Russia, no ship of war or privateer of either belligerent shall be permitted to make use of any port, harbour, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of either belligerent shall, after the time this notification takes effect, enter any port, harbour, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbour, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or for repairs, in either of

which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours without permitting her to take in supplies beyond what may be necessary for her immediate use ; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbour, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant-ship of the other belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended, so far as may be necessary, to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant-ship of the other belligerent which may have previously quit the same port, harbour, roadstead, or waters. No ship of war or privateer of either belligerent shall be detained in any port, harbour, roadstead, or waters of the United States more than twenty-four hours by reason of the successive departures from such port, harbour, roadstead, or waters of more than one vessel of the other belligerent. But if there be several vessels of each or either of the two belligerents in the same port, harbour, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the respective belligerents, and to cause the least detention consistent with the objects of this Proclamation. No ship of war or privateer of either belligerent shall be permitted, while in any port, harbour, roadstead, or waters within the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without any sail power, to the nearest port of her own country ; or, in case the vessel is rigged to go under sail, and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive if dependent upon steam alone, and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbour, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a port of the Government to which she belongs.

And I further declare and proclaim that by the 1st Article of the Convention as to rights of neutrals at sea, which was concluded

between the United States of America and His Majesty the Emperor of All the Russias on the 22nd day of July, A.D. 1854,* the following principles were recognized as permanent and immutable, to wit:—

“1. That free ships make free goods, that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

“2. That the property of neutrals on board an enemy's vessel is not subject to confiscation unless the same be contraband of war.”

And I do further declare and proclaim that the Statutes of the United States and the law of nations alike require that no person within the territory and jurisdiction of the United States shall take part, directly or indirectly, in the said war, but shall remain at peace with each of the said belligerents, and shall maintain a strict and impartial neutrality, and that whatever privileges shall be accorded to one belligerent within the ports of the United States shall be in like manner accorded to the other.

And I do hereby enjoin all the good citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said Statutes, or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States, and all persons residing or being within their territory or jurisdiction, that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of either belligerent cannot lawfully be originated or organized within their jurisdiction; and that while all persons may lawfully, and without restriction by reason of the aforesaid state of war, manufacture and sell within the United States arms and munitions of war and other articles ordinarily known as “contraband of war,” yet they cannot carry such articles upon the high seas for the use or service of either belligerent, nor can they transport soldiers and officers of either, or attempt to break any blockade which may be lawfully established and maintained during the war, without incurring the risk of hostile capture, and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this Government who may misconduct themselves in the premises will do so at their peril, and that they can in no wise obtain any protection from the

Government of the United States against the consequences of their misconduct.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 11th day of February, in the year of our Lord 1904, and of the independence of the United States the 128th.

(L.S.) THEODORE ROOSEVELT.

By the President:

JOHN HAY, *Secretary of State*.

JOINT RESOLUTION of the Congress of the United States requesting the President of the United States to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the Rules and Regulations which now govern the taking of Fur Seals in the open waters of the North Pacific Ocean and Behring Sea, and so forth.

[No. 18.]

[April 8, 1904.]

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled :

That the President be, and he is hereby, requested to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the Rules and Regulations which now govern the taking of fur seals in the open waters of the North Pacific Ocean and Behring Sea, pursuant to the Treaty Articles of the Award of the Behring Sea Tribunal of Arbitration, made at Paris, the 16th August, 1893;* said review to determine what revision of these Rules and Regulations shall be made, if any can be devised and agreed upon, which will restore and preserve the fur-seal industry upon the Seal Islands of Alaska and abate the killing of nursing mother seals on the high seas, now permitted and conducted.

Sec. 2. That the President be, and he is hereby, requested to negotiate and, if possible, conclude negotiations with the Governments of Russia and Japan and other maritime nations to the end of securing their adherence to and a common agreement with the terms of any satisfactory revision of the Rules and Regulations specified in section 1 of this Resolution which may be agreed upon by the Governments of Great Britain and the United States.

* *Qy.* 15th August, 1893. Vol. LXXXV, page 1158.

Sec. 3. That all expenses incident to said review, investigation, acquisition of authentic data, and the preparation of expert reports of the case of the United States, ordered and approved by the President, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, and which amounts are hereby appropriated.

Approved, April 8, 1904.

ACT of Congress of the United States to regulate Shipping in Trade between Ports of the United States and Ports or Places in the Philippine Archipelago, between Ports or Places in the Philippine Archipelago, and for other purposes.

[No. 114.]

[April 15, 1904.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That, on and after the 1st July, 1906, no merchandize except supplies for the army or navy shall be transported by sea, under penalty of forfeiture thereof, between ports of the United States and ports or places in the Philippine Archipelago, directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel between any port of the United States and any port or place in the Philippine Archipelago :

Provided that no merchandize other than that imported in such vessel from some foreign port which has been specified on the manifest as for another port, and which shall not have been unloaded, shall be carried between a port of the United States and a port or place in the Philippine Archipelago.

Sec. 2. That on and after the 1st July, 1906, no foreign vessel shall transport passengers between ports of the United States and ports or places in the Philippine Archipelago, either directly or by way of a foreign port, under a penalty of 200 dollars for each passenger so transported and landed.

Sec. 3. That sections 1 and 2 of this Act shall not apply to the transportation of merchandize or passengers between ports or places in the Philippine Archipelago. Until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Archipelago the Government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandize and passengers between ports or places in the Philippine Archipelago.

Sec. 4. That sections 1 and 2 of this Act shall not apply to the voyage of a vessel between a port of the United States and a port or place in the Philippine Archipelago begun before the 1st July, 1906.

Sec. 5. That sections 1 and 2 of this Act shall not apply to vessels owned by the United States.

Sec. 6. That on and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries :

Provided, however, that until the 1st July, 1906, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandize directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States :

And provided further that the Philippine Commission shall be authorized and empowered to issue licences to engage in lighterage or other exclusively harbour business to vessels or other craft actually engaged in such business at the date of the passage of this Act, and to vessels or other craft built in the Philippine Islands or in the United States, and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Sec. 7. That this Act shall not be construed to impair or affect any privilege guaranteed to Spanish ships and merchandize by the Treaty of Peace between the United States and Spain, signed at the city of Paris on the 10th December, 1898,* and ratified the 11th April, 1899.

Sec. 8. That the Secretary of Commerce and Labour shall, from time to time, issue regulations for the enforcement of this Act, except as otherwise provided in section 3 :

Provided that such of the navigation laws of the United States as are in force in the Philippine Archipelago in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the Government of the Philippine Islands.

Approved, April 15, 1904.

ACT of Congress of the United States, to provide for the Temporary Government of the Canal Zone at Panamá, the Protection of the Canal Works, and for other purposes.

[No. 190.]

[April 28, 1904.]

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That the President is hereby authorized, upon the acquisition of the property of the New Panamá Canal Company and the payment to the Republic of Panamá of the 10,000,000 dollars provided by Article XIV of the Treaty between the United States and the Republic of Panamá, the ratifications of which were exchanged on the 26th day of February, 1904,* to be paid to the latter Government, to take possession of and occupy on behalf of the United States the zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the centre line of the route of the canal to be constructed thereon, which said zone begins in the Caribbean Sea 3 marine miles from mean low-water mark, and extends to and across the Isthmus of Panamá into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, and also of all islands within said zone, and in addition thereto the group of islands in the Bay of Panamá named Perico, Naos, Culebra, and Flamenico, and, from time to time, of any lands and waters outside of said zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal, or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise, the use, occupation, and control whereof were granted to the United States by Article II of said Treaty. The said zone is hereinafter referred to as "the Canal zone." The payment of the 10,000,000 dollars provided by Article XIV of said Treaty shall be made in lieu of the indefinite appropriation made in the 3rd section of the Act of the 28th June, 1902,† and is hereby appropriated for said purpose.

Sec. 2. That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the canal zone be sooner made by Congress, all the military, civil, and judicial powers as well as the power to make all rules and regulations necessary for the government of the canal zone, and all the rights, powers, and authority granted by the terms of said Treaty to the United States shall be vested in such person or persons and shall be exercised in

* Vol. XCVI, page 553.

† Vol. XCVI, page 181.

such manner as the President shall direct for the government of said zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Approved, April 28, 1904.

LETTER of the President of the United States placing the Isthmian Canal Commission under the Supervision and Direction of the Secretary of War, and defining the jurisdiction and functions of the Commission.

SIR,

White House, Washington, D.C., May 9, 1904.

By the Act of Congress approved the 28th June, 1902,* the President of the United States is authorized to acquire for, and on behalf of, the United States all the rights, privileges, franchises, concessions, grants of lands, rights of way, unfinished work, plants, shares of the capital stock of the Panamá Railway, owned by or held for the use of the new Panamá Canal Company, and any other property, real, personal, and mixed of any name or nature owned by the said new Panamá Canal Company situated on the Isthmus of Panamá. The President is by the same Act also authorized to acquire for, and on behalf of, the United States' perpetual control of a strip of land on the Isthmus of Panamá, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to excavate, construct, and maintain perpetually, operate, and protect thereon, a ship canal of certain specified capacity and also the right to perpetually operate the Panamá railroad. Having acquired such rights, franchises, property, and control, the President is by the same Act required to excavate, construct, and complete a ship canal from the Caribbean Sea to the Pacific Ocean, and to enable him to carry forward and complete this work he is authorized to appoint, by and with the consent of the Senate, an Isthmian Canal Commission of seven members, who are to be in all matters subject to his direction and control.

By the terms of the Canal Convention between the United States and the Republic of Panamá,† entered into in pursuance of the said Act of Congress approved the 28th June, 1902,* the ratifications of which were exchanged on the 26th day of February, 1904, the Republic of Panamá granted to the United States:

First, the perpetual use, occupation, and control of a certain zone of land, land under water, including islands within said zone, at the Isthmus of Panamá, all to be utilized in the construction,

* Vol. XCVI, page 181.

† November 18, 1903. Vol. XCVI, page 553.

maintenance, and operation, sanitation and protection of the ship canal, of the width of 10 miles extending to the distance of 5 miles on each side of the central line of the route of the canal, and the use, occupation, and control of other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said canal or of any auxiliary canals or other works necessary and convenient for the same purpose; also the Islands of Perico, Naos, Culebra, and Flamenico, situated in the Bay of Panamá; and

Second, all the rights, powers, and authority within the zone, auxiliary lands, and lands under water, which the United States would possess and exercise if it were the sovereign of the territory granted, to the entire exclusion of the exercise by the Republic of Panamá of any such sovereign rights, power, and authority.

By the Act of Congress approved the 28th April, 1904,* the President is authorized, upon acquisition of the property of the new Panamá Canal Company, and the payment to the Republic of Panamá of the price for compensation agreed upon in the said Canal Convention, to take possession of, and occupy on behalf of the United States, the zone of land, and land under water, including islands within said zone at the Isthmus of Panamá of the width of 10 miles extending to the distance of 5 miles on each side of the central line of the route of the canal to be constructed thereon, including the Islands of Perico, Naos, Culebra, and Flamenico, and from time to time as may be necessary and convenient certain auxiliary lands and waters outside the said zone for the purpose of constructing, maintaining, operating, sanitating, and protecting the ship canal, the use, occupation, and control whereof were granted to the United States by the Republic of Panamá in the said Canal Convention.

By the same Act the President is authorized, for the purpose of providing temporarily for the maintenance of order in the canal zone, and for maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion, to delegate to such person or persons as he may designate and to control the manner of their exercise, all the military, civil, and judicial powers as well as the power to make all needful rules and regulations for the government of the canal zone and all the rights, powers, and authority granted by the said Canal Convention to the United States, until the close of the 58th Congress.

Payments of the authorized purchase price of 40,000,000 dollars to the new Panamá Canal Company for the property of that Corporation on the Isthmus, including the shares of railway stock, and for the records in Paris, and of the sum of 10,000,000 dollars, as

stipulated in the Canal Convention, to the Republic of Panamá for the rights, powers, and privileges granted to the United States by the terms of the said Convention, have been made and proper instruments of transfer have been executed by the Panamá Canal Company. The members of the Isthmian Canal Commission have been appointed. They have organized the Commission and entered upon their duties. I have taken possession of and now occupy, on behalf of the United States, the canal zone and public land ceded by the Republic of Panamá.

It becomes my duty, under the statutes above referred to, to secure the active prosecution of the work of construction of the canal and its auxiliary works, through the Isthmian Canal Commission, and in connection with such work and in aid thereof to organize and conduct a temporary government of the zone, so as to maintain and protect the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Inasmuch as it is impracticable for the President, with his other public duties, to give to the work of supervising the Commission's construction of the canal and government of the zone the personal attention which seems proper and necessary, and inasmuch as the War Department is the Department which has always supervised the construction of the great civil works for improving the rivers and harbours of the country and the extended military works of public defence, and as the said Department has from time to time been charged with the supervision of the government of all the island possessions of the United States, and continues to supervise the government of the Philippine Islands, I direct that all the work of the Commission done by virtue of powers vested in me by the Act of Congress approved the 28th June, 1902, in the digging, construction, and completion of the canal, and all the governmental power in and over said canal zone and its appurtenant territory, which by virtue of the Act of Congress approved the 28th April, 1904, and these instructions, shall be vested in said Isthmian Canal Commission, shall be carried on or exercised under your supervision and direction as Secretary of War.

Subject to the limitations of law and the conditions herein contained, the Isthmian Canal Commission are authorized and directed—

1. To make all needful rules and regulations for the government of the zone and for the correct administration of the military, civil, and judicial affairs of its possessions until the close of the 58th Congress.

2. To establish a civil service for the government of the strip and construction of the canal, appointments to which shall be secured as nearly as practicable by a merit system.

3. To make or cause to be made all needful surveys, borings, designs, plans, and specifications of the engineering, hydraulic, and sanitary works required, and to supervise the execution of the same.

4. To make and cause to be executed, after due advertisement, all necessary contracts for any and all kinds of engineering and construction works.

5. To acquire by purchase or through proper and uniform expropriation proceedings, to be prescribed by the Commission, any private lands or other real property whose ownership by the United States is essential to the excavation and completion of the canal.

6. To make all needful rules and regulations respecting an economical and correct disbursement and an accounting for all funds that may be appropriated by Congress for the construction of the canal, its auxiliary works, and the government of the canal zone; and also to establish a proper and comprehensive system of book-keeping, showing the state of the work, the expenditures by classes, and the amounts still available.

7. To make requisition on the Secretary of War for funds needed from time to time in the proper prosecution of the work, and to designate the disbursing officers authorized to receipt for the same.

The inhabitants of the Isthmian Canal zone are entitled to security in their persons, property, and religion, and in all their private rights and relations. They should be so informed by public announcement. The people should be disturbed as little as possible in their customs and avocations that are in harmony with principles of well-ordered and decent living.

The municipal laws of the canal zone are to be administered by the ordinary Tribunals substantially as they were before the change. Police magistrates and justices of the peace and other officers discharging duties usually devolving upon these officers of the law will be continued in office if they are suitable persons. The Governor of the zone, subject to approval of the Commission, is authorized to appoint temporarily a Judge for the canal zone, who shall have the authority equivalent to that usually exercised in Latin countries by a Judge of a Court of First Instance; but the Isthmian Canal Commission shall fix his salary and may legislate respecting his powers and authority, increasing or diminishing them in their discretion, and also making provision for additional or appellate Judges, should the public interest require.

The laws of the land, with which the inhabitants are familiar, and which were in force on the 26th February, 1904, will continue in force in the canal zone and in other places on the Isthmus over

which the United States has jurisdiction until altered or annulled by the said Commission; but there are certain great principles of government which have been made the basis of an existence as a nation which we deem essential to the rule of law and the maintenance of order, and which shall have force in said zone. The principles referred to may be generally stated as follows:—

That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right of a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence; that excessive bail shall not be required nor excessive fines imposed, nor cruel or unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offence, or be compelled in any criminal case to be a witness against himself; that the right to be secure against unreasonable searches and seizures shall not be violated; that neither slavery nor involuntary servitude shall exist except as a punishment for crime; that no bill of attainder or *ex post facto* law shall be passed; that no law shall be passed abridging the freedom of speech or of the press, or of the rights of the people to peaceably assemble and petition the Government for a redress of grievances; that no law shall be made respecting the establishment of religion or prohibiting the free exercise thereof:

Provided, however, that the Commission shall have power to exclude from time to time from the canal zone and other places on the Isthmus, over which the United States has jurisdiction, persons of the following classes who were not actually domiciled within the zone on the 26th day of February, 1904, viz., idiots, the insane, epileptics, paupers, criminals, professional beggars, persons afflicted with loathsome or dangerous contagious diseases; those who have been convicted of felony, anarchists, those whose purpose it is to incite insurrection, and others whose presence it is believed by the Commission would tend to create public disorder, endanger the public health, or in any manner impede the prosecution of the work of opening the canal; and may cause any and all such newly-arrived persons or those alien to the zone to be expelled and deported from the territory controlled by the United States, and the Commission may defray from the canal appropriation the cost of such deportation as necessary expenses of the sanitation, the police protection of the canal route, and the preservation of good order among the inhabitants.

The Commission may legislate on all rightful subjects of legis-

lation not inconsistent with the laws and Treaties of the United States so far as they apply to said zone and other places, and the said power shall include the enactment of the Sanitary Ordinances of a preventive or curative character to be enforced in the cities of Colon and Panamá, and which are contemplated and authorized by Article VII of said Canal Convention. Such legislative power shall also include the power to raise and appropriate revenues in said zone; and all taxes, judicial fines, customs duties and other revenues levied and collected in said zone by or under the authority of said Commission shall be retained, accounted for, and disbursed by said Commission for its proper purposes. The members of said Commission to the number of four or more shall constitute a legislative quorum, and all rules and regulations passed and enacted by said Commission shall have set forth as a caption that they are enacted by the Isthmian Canal Commission "By authority of the President of the United States."

The Commission shall hold its regular quarterly meetings at the office of the Commission either in Panamá or at a branch office in Washington, and special meetings may be held at the pleasure of the Commission.

All laws, rules, and regulations of a governmental character enacted by the Commission hereunder shall be submitted to you for your approval, and should your approval be withheld from any such law, rule or regulation, then from that time the law, rule, or regulation shall thereafter have no force or effect.

Major-General George W. Davis, United States' Army (retired), a member of the Canal Commission, is hereby appointed Governor of the Isthmian Canal Zone. He will proceed at once to the Isthmus of Panamá. He will in my name, as the chief executive in the canal zone, for and on behalf of the United States, see that the laws are faithfully executed, and will maintain possession of said territory, including the public lands therein, and the property real and movable on the Isthmus of Panamá, except that of the Panamá Railroad, that has recently been acquired from the Republic of Panamá. He is hereby vested with the power to grant reprieves and pardons for offences against the rules, regulations, and laws in force by virtue of action of the Commission or by virtue of the clause hereof continuing in force the laws of Panamá. In case of his disability or absence from the canal zone at any time, the Isthmian Canal Commission is empowered to designate the person or persons to act as Governor during such absence or disability. Except as herein prescribed the duties of the Governor shall be fixed by legislation of the Canal Commission.

For the preservation of order and protecting the property of the United States, within or without said zone as provided by

Article VII of the Canal Convention, an adequate police force shall be maintained. If at any time there shall arise necessity for military or naval assistance the Governor shall, if possible, promptly notify you, and in the event of a sudden exigency the Governor may call upon any available military or naval force of the United States to render assistance, and the same shall be immediately furnished.

It is a matter of first importance that the most approved and effective methods and measures known to sanitary science be adopted in order that the health conditions on the Isthmus may be improved. It is the belief of those who have noted the successful results secured by our army in Cuba in the obliteration of yellow fever in that island that it is entirely feasible to banish the diseases that have heretofore caused most mortality on the Isthmus, or at least to improve as greatly the health conditions there as in Cuba and Porto Rico. I desire that every possible effort be made to protect our officers and workmen from the dangers of tropical and other diseases, which in the past have been so prevalent and destructive in Panamá.

Rear-Admiral John G. Walker, United States' navy (retired), and Colonel Frank J. Hecker, members of the Isthmian Canal Commission, are hereby designated as members of the Joint Commission provided for by Articles VI and XV of the Canal Convention. The moiety of the necessary expenses of the Commission to be created in pursuance of Articles VI and XV of the above-cited Canal Convention will be defrayed from the appropriation applicable to the ship canal to connect the waters of the Atlantic and Pacific Oceans.

The Isthmian Canal Commission will prepare for Congress and place in your hands on or before the 1st December of each year a full and complete report of all their acts and of the operations conducted by them in respect to the canal construction and the government of the canal zone. These reports will contain a detailed account of all moneys received and disbursed in the performance of their duties and of the progress made in the construction of the canal.

The necessary expenses incurred by the Commission in carrying on the government of the canal zone will be defrayed from the local revenues so far as the said revenues may be sufficient, and the remainder will be met from the appropriation made by the 5th section of the Act of Congress approved the 28th June, 1902. An estimate of the proposed expenditures and revenues for each year in carrying on the government of the zone will be submitted to Congress at the beginning of each annual Session.

By virtue of the ownership by the United States of about sixty-

nine-seventieths of the shares of the capital stock of the Panamá railroad the general policy of the managers of said road will be controlled by the United States. As soon as practicable I desire that all the members of the Isthmian Canal Commission be elected to the Board of Directors of the Road, and that the policy of the road be completely harmonized with the policy of the Government of making it an adjunct to the construction of the canal, at the same time fulfilling the purpose for which it was constructed as a route of commercial movement across the Isthmus of Panamá. If any contracts or other obligations now subsist between the railway company and other transportation companies that are not in accord with sound public policy, then such contracts must be terminated as soon as it is possible to effect that object.

No salary or per diem allowance of compensation in addition to the stated salary and per diem allowance of the members of the Isthmian Canal Commission will be allowed to any member of the Commission by reason of his services in connection with the civil government of the canal zone, or his membership of any Board or Commission concerned in or connected with the construction of the canal or by reason of his services as an officer or Director of the Panamá railroad.

If there now be in force within the canal zone any franchise granting to any person or persons a privilege to maintain lotteries or hold lottery drawings or other gambling methods and devices of a character forbidden by the laws of the United States, or if the grantee of any such privilege has now the right to sell lottery tickets or similar devices to facilitate the business of the concessionnaire, the Commission shall enact laws annulling the privileges or concessions and punishing future exercise of the same by imprisonment or fine, or both.

These instructions may be modified and supplemented as occasion shall arise.

Very respectfully,

HON. WILLIAM H. TAFT,

THEODORE ROOSEVELT.

Secretary of War.

*AGREEMENT between Japan and Corea for the Re-arrangement of the Postal, Telegraph, and Telephone Service of Corea.—Signed at Seoul, April 1, 1905.**

(Translation.)

THE Imperial Governments of Japan and Corea, finding it expedient from the standpoint of the administration and finances of

* See also Swiss Notification of June 6, 1905, page 411, with French text of the Agreement.

Corea, to rearrange the system of communications in that country, and by amalgamating it with that of Japan to unite the two systems into one, common to the two countries, and, having seen the necessity, with that object in view, of transferring the post, telegraph, and telephone services of Corea to the control of the Japanese Government, Gonsuke Hayashi, Envoy Extraordinary and Minister Plenipotentiary of Japan, and I-Hayeng, Minister for Foreign Affairs of Corea, each invested with proper authority, have agreed upon and concluded the following Articles:—

ART. I. The Imperial Government of Corea shall transfer and assign the control and administration of the post, telegraph, and telephone service in Corea (except the telephone service exclusively pertaining to the Department of the Imperial Household) to the Imperial Japanese Government.

II. The land, buildings, furniture, instruments, machines, and all other appliances connected with the system of communications already established by the Imperial Corean Government, shall by virtue of the present Agreement, be transferred to the control of the Imperial Japanese Government.

The authorities of the two countries acting together shall make an inventory of the land, buildings, and all other requisites mentioned in the preceding paragraph which shall serve as evidence in the future.

III. When it is deemed necessary by the Imperial Japanese Government to extend the communication system in Corea, they may appropriate lands and buildings belonging to the State or private persons; the former without compensation, and the latter with proper indemnification.

IV. In respect of the control of the communication service and the custody of the properties in connection therewith, the Japanese Government assume, on their own account, the responsibility of good administration.

The expenses required for the extension of the communication services shall also be borne by the Imperial Government of Japan.

The Imperial Government of Japan shall officially notify the Imperial Government of Corea of the financial condition of the system of communication under their control.

V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or extension of the system of communication shall be exempt from all duties and imposts.

VI. The Imperial Government of Corea shall be at liberty to maintain the present Board of Communication so far as such retention does not interfere with the control and extension of the services by the Japanese Government.

The Japanese Government, in controlling and extending the services, shall engage as many Korean officials and employees as possible.

VII. In respect of the arrangements formerly entered into by the Korean Government with Governments of foreign Powers concerning the post, telegraph, and telephone services, the Japanese Government shall on behalf of Korea exercise the rights and perform the obligations pertaining thereto.

Should there arise in the future any necessity for concluding any new Convention between the Government of Korea and the Governments of foreign Powers concerning the communication services, the Japanese Government shall assume the responsibility of concluding such Convention on behalf of the Korean Government.

VIII. The various Conventions and Agreements respecting the communication services hitherto existing between the Governments of Japan and Korea are naturally abolished or modified by the present Agreement.

IX. When in the future as the result of the general development of the communication system in Korea, there is some adequate profit over and above expenditures defrayed by the Japanese Government for the control and maintenance of the old services and for their extension and improvement, the Japanese Government shall deliver to the Korean Government a suitable percentage of such profit.

X. When in the future an ample surplus exists in the finances of the Korean Government, the control of their communication services may be returned, as the result of the consultation of the two Governments, to the Government of Korea.

(L.S.) HAYASHI GONSUKE, *Envoy Extraordinary and Minister Plenipotentiary.*

The 1st day of the 4th month of the 38th year of Meiji.

(L.S.) I-HAYENG, *Minister of State for Foreign Affairs.*

The 1st day of the 4th month of the 9th year of Kwang-mu.

AGREEMENT between Japan and Korea, by which Japan assumed Charge of the Foreign Relations of Korea.—Signed, November 17, 1905.

(Translation.)

THE Governments of Japan and Korea, desiring to strengthen the principle of solidarity which unites the two Empires, have with

that object in view agreed upon and concluded the following stipulations to serve until the moment arrives when it is recognized that Corea has attained national strength.

ART. I. The Government of Japan, through the Department of Foreign Affairs at Tôkiô, will hereafter have control and direction of the external relations and affairs of Corea, and Diplomatic and Consular Representatives of Japan will have charge of the subjects and interests of Corea in foreign countries.

II. The Government of Japan undertakes to see to the execution of the Treaties actually existing between Corea and other Powers, and the Government of Corea engages not to conclude hereafter any Act or engagement having an international character except through the medium of the Government of Japan.

III.* The Government of Japan shall be represented at the Court of His Majesty the Emperor of Corea by a Resident-General, who will reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the Emperor of Corea. The Japanese Government shall also have the right to station Residents at the several open ports and such other places in Corea as they may deem necessary. Such Residents shall, under the direction of the Resident-General, exercise the powers and functions hitherto appertaining to Japanese Consuls in Corea, and shall perform such duties as may be necessary in order to carry into full effect the provisions of this Agreement.

IV. The stipulations of all Treaties and Agreements existing between Japan and Corea, not inconsistent with the provisions of this Agreement, shall continue in force.

V. The Government of Japan undertakes to maintain the welfare and dignity of the Imperial House of Corea.

In faith whereof the Undersigned, duly authorized by their Governments, have signed this Agreement and affixed their seals.

(L.S.) HAYASHI GONSUKE, *Envoy Extraordinary and Minister Plenipotentiary.*

The 17th day of the 11th month of the 38th year of Meiji.

(L.S.) PAK CHE SOON, *Minister of State for Foreign Affairs.*

The 17th day of the 11th month of the 9th year of Kwang-mu.

* See Japanese Ordinance of December 20, 1905, page 1141.

IMPERIAL JAPANESE ORDINANCE for the Organization of the Residency-General and Residencies in Corea.—
Promulgated December 20, 1905.*

(Translation.)

ART. 1. A Residency-General shall be established at Seoul, Corea.

2. A Resident-General shall be appointed to the Residency-General.

The Resident-General shall be of Shinnin rank.

The Resident-General shall be under the direct command of the Emperor. In regard to diplomatic affairs he shall make representations to His Imperial Majesty, through the Minister for Foreign Affairs and the Minister-President of State, and he shall receive Imperial sanctions and commands through the Minister-President of State and the Minister for Foreign Affairs. In regard to all other matters, the representations, sanctions, and commands as aforesaid shall pass through the hands of the Minister-President of State only.

3. The Resident-General shall represent the Imperial Japanese Government in Corea, and shall exercise general control over all matters relative to the foreign Consulates and foreigners in Corea excepting such matters as may pass through the hands of the foreign Representatives resident in Japan. He shall also have control of such administrative affairs of Corea as relate to foreigners.

The Resident-General shall have control of all political affairs, which are, in accordance with the Treaties and Conventions, to be administered by the Imperial and public authorities of Japan in Corea, and he shall also be charged with all other affairs of control which have hitherto appertained to the Imperial authorities.

4. The Resident-General may, when he deems it necessary for the maintenance of peace and tranquillity in Corea, order the Commander of the Imperial garrison in Corea to use military force.

5. In regard to administrative affairs of Corea, the execution of which is necessary to the fulfilment of Treaty obligations, the Resident-General shall refer them to the Korean Government and demand that they be carried out. In case of urgency, however, he may communicate directly with the proper local authorities of Corea and cause them to act, informing the Korean Government afterwards of the steps thus taken.

6. The Resident-General shall exercise supervision over the

* See Article III of Agreement between Japan and Corea of November 17, 1905, page 1139.

officials of the Imperial Government and others, who may be in the service of the Korean Government.

7. The Resident-General shall have power to issue Residency-General Ordinances with punitive provisions of imprisonment not exceeding one year or fines not exceeding 200 yen.

8. When the Resident-General considers any orders or measures of the authorities under him to be in conflict with the Treaties, Laws, or Regulations, or to be detrimental to the public interests or to exceed the powers of such authorities, he may suspend or rescind such orders or measures.

9. The Resident-General shall exercise general control over the officials under him. Regarding the appointment and dismissal of officials of Sonin rank, he shall make representations to the Emperor through the Minister-President of State. He shall appoint and dismiss officials of Hannin rank and others below it in his own discretion.

10. The Resident-General shall make representations to the Emperor through the Minister-President of State regarding the conferment of Court rank or decorations upon officials under him.

11. In addition to the Resident-General the following functionaries shall be attached to the Residency-General:—

Secretary-General	..	..	..	..	..	1	Chokunin.
Director of Agricultural, Commercial, and Industrial Affairs	..	..	..	..	..	1	{ Chokunin,
	..	..	..	..	..	1	or Sonin.
Director of Police Affairs	..	..	..	..	..	1	„ „
Private secretary..	..	..	..	..	..	1	Sonin.
Secretaries	..	..	..	..	..	7	„
Police inspectors..	..	..	..	..	..	2	„
Gishi (technical officials)	..	..	..	..	..	5	„
Secretary-interpreters	..	..	..	..	..	10	„
Clerks	..	..	..	..	..	..	} 45 Hannin.
Police sergeants	..	..	..	..	..	..	
Gishu (assistant technical officials)	..	..	..	..	..	..	
Elève interpreters	..	..	..	..	..	..	

Treatment of higher officials or of officials of Hannin rank may be extended to Koreans employed in the Residency-General or in establishments subordinate to it.

12. The Secretary-General shall, under the Resident-General, have general charge of the affairs of the Residency-General.

13. In case of inability of the Resident-General from any cause to discharge the functions of his office, the Commander of the Imperial garrison in Korea or the Secretary-General, as the Resident-General may designate, shall temporarily discharge the functions of the Resident-General.

14. The Director of Agricultural, Commercial, and Industrial Affairs shall, under orders of his superiors, have charge of matters

relating to agriculture, commerce, manufactures, and other industries.

15. The Director of Police affairs shall, under orders of his superiors, have charge of police affairs.

16. The Private Secretary shall, under orders of his superiors, have charge of affairs of a confidential nature.

17. The Secretaries shall, under orders of their superiors, have charge of the business of the Residency-General.

18. The Gishi (technical officials) shall, under orders of their superiors, have charge of technical affairs.

19. The Secretary-Interpreters shall, under orders of their superiors, have charge of translation of documents and of interpretation.

20. The Gishu (assistant technical officials) shall, under the direction of their superiors, attend to technical business.

21. The Resident-General may attach Gishi, Secretary-Interpreters and Gishu of the Residency-General to any Residency. Such officials shall, in the discharge of their duties, be under the direction and supervision of the Resident concerned.

22. Residencies shall be established at the more important places in Corea.

The locations of the Residencies and the areas of their jurisdiction shall be determined by the Resident-General.

23. The following functionaries shall be attached to each Residency:—

Resident	..	..	..	..	..	..	..	Sonin.
Vice-Residents	..	..	..	..	..	..	..	,
Clerks	..	..	..	..	..	..	..	Hannin.
Police sergeants	..	..	..	..	..	..	..	„
Elève interpreters	..	..	..	..	..	..	..	„

In addition to the above officials, a Police Inspector shall be appointed to such Residencies as the Resident-General may deem necessary. Such Police Inspector shall be of Sonin rank.

At Residencies having two or more Vice-Residents, one of them shall principally have charge of legal matters.

A number of functionaries of the Residencies shall be determined elsewhere.

24. Residents shall, under the direction and supervision of the Resident-General, have charge of matters, which formerly appertained to the Consuls resident in Corea as well as of matters which are to be dealt with by the Residents in accordance with the Treaties, Laws, and Regulations.

25. In case a Resident finds an urgent necessity for the preservation of peace and order leaving no time to apply to the Resident-General for instructions, he may communicate with the Commander

of the Imperial forces stationed in his locality and request the latter to dispatch troops.

26. Regarding such administrative measures of Corea as are found necessary for the fulfilment of Treaty obligations, Residents may communicate directly with the proper local authorities of Corea and cause the necessary measures to be carried out, in case of urgency not allowing time to ask for instructions from the Resident-General, reporting to the Resident-General afterwards the steps thus taken.

27. Residents may issue Residency orders with punitive provisions of fines not exceeding 10 yen, or police detention or fines.

28. The Vice-Residents shall, under orders of the Residents, have charge of the business of the Residency, and shall, in case of inability of the Residents, discharge their functions temporarily.

29. The Police Inspectors of the Residency-General and the Residencies shall, under orders of their superiors, have charge of police affairs.

30. The clerks of the Residency-General and the Residencies shall, under the direction of their superiors, attend to general business.

31. The police sergeants of the Residency-General and the Residencies shall each, under the direction of their superiors, have charge of police affairs and exercise direction and control over the policemen placed under them.

32. The Elève Interpreters of the Residency-General and the Residencies shall, under the direction of their superiors, engage in translation of documents and interpretations.

33. Policemen shall be attached to the Residency-General and the Residencies. They shall receive the treatment of officials of Hannin rank.

The number of policemen shall be determined by the Resident-General.

NOTES exchanged between the British Minister at Tehran and the Persian Minister of Customs relating to the Status of the Federated Malay States as a British Colony with regard to the Anglo-Persian Declaration of the 9th February, 1903.—Tehran, ^{May 17}_{June 21}, 1904.

(1.)—*Sir A. Hardinge to M. Naus.*

M. LE MINISTRE,

Téhéran, le 17 Mai, 1904.

J'AI l'honneur de transmettre à votre Excellence sous ce pli, conformément à des ordres que j'ai reçus du Marquis de Lans-

downe, copie d'une note adressée par le Ministère des Colonies de Sa Majesté Britannique à celui des Affaires Étrangères.

Votre Excellence y verra que M. le Secrétaire d'État pour les Colonies désirerait voir définir la position, par rapport à l'Article II de la Déclaration Anglo-Persane du 9 Février, 1903,* du territoire administré par son Département sous le titre d'États Malais Fédérés.

Ce territoire, qui comprend les quatre districts de Pérak, Sélangar, Negri Sembilan, et Pahang, est confié à un Résident-Général, relevant du Gouverneur Anglais de Singapore. Un Résident Britannique est placé dans chacun de ces districts, et l'administration de la justice, de la force armée (qui y est représentée par un régiment de soldats Anglo-Indiens), des postes, des télégraphes, des finances, des chemins de fer, et de l'instruction publique est entre les mains des fonctionnaires Anglais nommés par le Ministère des Colonies. Il existe en même temps dans chaque district ou État un Conseil d'État, présidé par le Chef indigène, et composé des principaux sous-Chefs et autres personnages importants de la localité, exerçant, avec la coopération du Résident, une autorité politique sur la population indigène; et le Ministère des Colonies a évidemment pensé que le Gouvernement Persan pourrait contester au territoire des États Malais Fédérés, en vertu de ce régime quasi-autonome, le caractère de Colonie Anglaise proprement dite. Je ne pense point que tel puisse être le cas, car votre Excellence m'a elle-même déclaré, bien qu'à titre officieux, que le Protectorat de Bechuanaland, où, sous l'administration du Ministère des Colonies, les tribus indigènes continuent, dans certaines limites, à être régies par leurs propres roitelets, et même les Protectorats Anglais de l'Afrique Orientale et Centrale, administrés par le Ministre des Affaires Étrangères, étaient, à vos yeux, incontestablement des Colonies Anglaises dans le sens de l'Article II.

Je vous serais toutefois reconnaissant, M. le Ministre, si vous vouliez bien me mettre à même de fournir à son Excellence M. le Secrétaire d'État pour les Colonies des explications de nature à résoudre les doutes qu'il semble avoir conçus à ce sujet.

Veuillez, &c.

M. Naus.

A. H. HARDINGE.

(2.)—*M. Naus to Sir A. Hardinge.*

M. LE MINISTRE,

Téhéran, le 21 Juin, 1904.

LA note de l'Office Colonial de Sa Majesté Britannique, en date du 17 Mars, dont votre Excellence a bien voulu me remettre une

copie, soulève la question de savoir si les États de la Fédération Malaise (Federated Malay States) peuvent être appelés à bénéficier du régime créé par l'Article II de la Déclaration Anglo-Persane du 9 Février, 1903.

J'admets que les États de la Fédération Malaise peuvent être considérés en fait comme constituant, au point de vue économique, une quasi-dépendance de l'Inde Britannique de sorte que la question posée par l'Office Colonial peut être résolue affirmativement, sous la réserve toutefois que le consentement du Gouvernement Persan en ce qui concerne les dits États ne puisse pas être considéré comme applicable aux États placés sous un régime de protection mitigée ou d'intervention diplomatique, notamment à l'Afghanistan et aux États Arabes de la côte méridionale du Golfe Persique.

Je prie, &c.

Sir A. Hardinge.

J. NAUS.

REGULATIONS for the Levying of Customs Duties on Goods entering or leaving Persia, drawn up by the Customs Board, in agreement with the British Legation at Tehran, in pursuance of Article V of the Anglo-Persian Declaration of the 9th February, 1903.—Tehran, August 29, 1904.*

CHAPTER I.—*Liability to Custom Duty.*

(Translation.)

ART. 1. The present Code of Regulations determines the customs duties in the Persian Empire.

2. All articles, merchandize, and produce (excepting such as are admitted free of duty) are subject to duty whenever they are imported or exported, unless it be proved to the satisfaction of the Customs Board that the duties on such articles, merchandize, or produce have already been paid on the occasion of some previous importation or exportation.

3. The merchandize imported into Persia and coming from a country enjoying most-favoured-nation treatment, is subject only to the payment of the customs duties fixed by the Tariff legally in force, and to the dues enumerated in Article 7 of the present Code of Regulations.

All other imposts or dues, such as octroi, "Khanat," "Meydan," and the like, are abolished for all time. All the dues of "raghdari" that have been collected hitherto for the maintenance of roads are likewise abolished, nor shall any new ones be established, under the

form of road or barrier dues, except on carriage roads, which necessitate the employment of skilled labour, and for which a concession has already been or may hereafter be granted by special Firman.

4. The duties levied on goods, otherwise than *ad valorem*, are calculated on the basis of the number, weight, or measure, as determined by the officials of the Customs Board.

In the case of goods upon which the duty is levied *ad valorem*, such duty is calculated on the value declared by the parties concerned in accordance with the rules laid down in Articles 17, 18, and 19 following.

5. Customs duties are payable in cash prior to the removal of the goods.

6. The goods are held as security for the customs duties, nor can the customs officer in any case consent to the removal of the goods before the said duties, as well as the other dues fixed by Article 7, have been paid.

CHAPTER II.—*The Customs Tariff.*

7. The duties to be collected by the Customs are as follows:—

(1.) Customs duties on goods imported (“droits d’entrée”).

(2.) Customs duties on goods exported (“droits de sortie”).

(3.) *Office dues.*—The office dues, apart from the customs duties, are fixed at 2 krans per sheet of the declaration, application, request, or other document whatsoever, presented to the Customs by the parties concerned.

(4.) *Seal and label dues.*—For each lead seal affixed by the Customs the charge shall be 3 chaïs, and for each wax seal 1 chaï.

For each check label affixed by the Customs on the packages, bottles, or other receptacles containing merchandize subject to this formality, the charge shall be 1 chaï, and for each check label affixed to parcels examined in order to permit of their being removed from the customs, 3 chaïs.

(5.) *Dues for the custody of goods in Custom-house storage rooms, sheds, and inclosures, and in the storage rooms of public warehouses.*—Goods deposited in storage rooms, sheds, and inclosures where the Customs assumes the responsibility for their safe keeping (see Article 89 and following) are subject to warehouse dues.

These dues are reckoned for the whole of the time during which the articles lie on Customs premises, dating from the day of their inspection, and in any case from a day not later than the last of the term fixed for the presentation of the documents of inspection (see Article 88).*

Merchants are entitled to request that their goods be deposited,

* *Sic.* Query Article 92.

according as they may desire, either in the storage rooms or in the sheds, or simply in the inclosures of the custom-house under (tarpaulin, &c.) covering or without covering.

Exception, however, is made in the case of—

(a.) Parcels containing articles of value, such as objects composed partly of gold or silver, jewels, watches, silk fabrics; also all small parcels weighing less than 2 batmans, which must always be deposited in the closed storage rooms;

(b.) Goods which are readily inflammable, dangerous, noxious, or such that their proximity might cause injury to other goods; such goods shall not be admitted to the storage rooms, and can only be accommodated in the sheds or the inclosures.

The warehouse dues are fixed as follows:—

(a.) For goods deposited in closed storage rooms: (1) for carpets, woven fabrics, threads, clothing, groceries, liquids intended to be drunk, tea, coffee, food products, and furniture, for the first thirty days, dating from the day fixed as above, 6 chaïs per 10 batmans, with a progressive increase of one-fifth chaï per day until the ninetieth day; (2) for other goods deposited in closed storage rooms the dues are at the rate of one-third of those stated under (1);

(b.) For goods of all kinds deposited in sheds or under (tarpaulin, &c.) coverings the dues are at the rate of one-fifth of those stated under (1);

(c.) For goods not covered (with tarpaulin, &c.), and deposited in unroofed premises, as well as for naphtha and petrol, the dues are at the rate of one-tenth of those stated under (1).

At the expiration of the term of ninety days the goods must be transferred from the storage rooms of the custom-house of entry to those of a bonded warehouse.

Goods deposited in the storage rooms of public bonded warehouses are subject to the payment of dues at the rate of one-sixth chaï per day and per 10 batmans of goods in respect of their custody in the said storage rooms.

(6.) *Dues for the handling of goods.*—These dues are fixed by a special tariff to be agreed upon between the Customs and the parties concerned.

(7.) *Dues for use of Cranes belonging to the Customs.*—In those ports where there are cranes owned by the Government, dues are charged for the use of such cranes at the rate of 1 chaï per 100 batmans, with a minimum of 1 chaï per parcel.

(8.) As compensation for the expense incurred by the Customs Board for the surveillance of bonded warehouses, proprietors of such warehouses shall pay a charge of 5 krans per working day on which the attendance of Customs officers has been necessary.

(9.) It is to be understood that in the case of the above-named

dues, the amount payable shall never be less than 1 chaï, and that any fraction of a chaï shall always be counted as a whole chaï.

8. In the event of the exchange rate of the kran in relation to the French franc falling by more than 10 per cent., and continuing at such low rate for more than a month, the Persian Government shall have the right, after the fact shall have been confirmed by the principal banks, to raise proportionately the rates of the specific duties as fixed by the Tariffs in force.

In the event of a rise in the rate of exchange of the kran exceeding 10 per cent., and of such rate being maintained for more than a month, any proposal for the proportional reduction of the said Tariffs shall come from the foreign countries interested, and the Persian Government shall be bound to grant the said reduction.

9. The specific duties inscribed in the Tariff shall be levied in full on the quantities presented for importation or exportation, without any reference to the quality, the relative value, or to the state of the merchandize.

Where, however, satisfactory proof is forthcoming as to occurrences whereby the goods have suffered deterioration in the course of transport, and where it is seen that there is no fraudulent intent, the declarer or owner may demand the sorting out and destruction, or else the re-exportation, of the damaged goods.

Remark.—Furthermore, in exceptional cases, especially where the goods have been damaged in course of transport, reductions of duties, proportionate to the loss of value, may be accorded, but only with the intervention of the Central Customs Board.

10. In the case of goods tariffed by number, or by ascertained weight, the amount of duty payable when greater or smaller quantities are being dealt with, shall be proportionate to the rates set forth in the Tariff, just as if this proportion had been specified for each article. The duties are levied in the same proportion in the case of goods tariffed according to value.

11. The unit of weight for goods tariffed by weight is the batman, called the Tauris batman, of 640 Persian miscals, equivalent to 7.27 Russian lbs. and to 2 kilos. 970 French grammes.

12. The duties on such goods as are stated in the Tariffs to be dutiable according to the gross weight, are calculated on the real weight of the goods, including the weight of such packings as, according to the usages of commerce, reach the buyers together with the goods, *e.g.*, the cans, kegs, bottles, jars, or flasks containing liquids, pots and boxes, paper or cloth envelopes, and packings of any other kind which cannot be separated from the goods without damaging them or changing the form under which they are generally presented for wholesale or retail trade.

13. As regards the other goods which are dutiable by weight,

and which are mentioned in the Tariff as being dutiable according to the gross weight, the importers shall be required to stipulate in their declaration whether they desire that the duties be reckoned according to the real net weight, *i.e.*, according to weight of the goods stripped of all packings, or according to the legal net weight, *i.e.*, according to the combined weight of the goods and all their packings, after deduction of the legal tare.

Where no such choice is stated in the declaration, the duties shall always be calculated according to the legal net weight.

14. The legal tare on goods tariffed by weight is fixed as follows :—

(1.) For earthenware, porcelain, glassware, unframed mirrors, and window glass, 40 per cent. of the aggregate gross weight.

(2.) For all other goods :—

(a.) In chests or casks, 20 per cent. of the aggregate gross weight ;

(b.) In hampers, “canisters,” or other leather packings, 8 per cent. of the aggregate gross weight ;

(c.) In matting, sacks, or other similar packings, 3 per cent. of the aggregate gross weight.

The tare is not applicable to packings which only partially cover the goods, as, for example, those consisting of trellis-work, boards, &c.

15. The declarers are required to present the goods for examination, stripped of their packings, and are also required to repack them, the Customs Board assuming no responsibility for any loss or damage resulting from such operations, it being understood that these have been carried out under the instructions of the declarers.

If, however, the declarers should present the original invoices or accounts of the manufacturers or wholesale dealers, or statements specifically describing the nature, weight, and value of the goods contained in each parcel, the customs authority shall deem it sufficient to select for the purpose of examination one or more parcels (according to the importance of the consignment), and to cause the same to be opened.

But if it should be found that the kind, weight, or value of the goods, as ascertained by this sample inspection, differs to an extent exceeding 5 per cent. from the kind, weight, or value as returned in the declaration, the Customs shall require that all the parcels be opened.

16. In the case of all products imported or exported in bulk, the importer or exporter shall give the net weight in the prescribed declaration.

In the case of goods, free of duty, imported or exported in parcels, the importer or exporter shall declare the gross weight of

the parcels; the Customs officials will estimate the net weight by deducting from the gross weight the tare fixed by Article 14.

17. In the case of goods tariffed according to value, the importers shall state, in writing, the value upon which they desire the duties to be calculated.

18. Where goods of different value are contained in one and the same parcel, the importer shall declare their values separately, if they are tariffed according to value.

Where, however, the goods in question consist of haberdashery or fancy wares, which are somewhat akin to each other, or which form an assortment, the value of which does not exceed 100 tomans, it will be sufficient to declare the total value.

19. The value to be declared at the custom-house is that of the goods in their place of origin or production, increased by expenses of packing, purchase, assurance, and transport to the place of importation or exportation.

20. If the Customs authorities consider the declared value to be insufficient, they may, at their discretion, require the declarers to sign a supplementary declaration, or they may even retain the goods, paying to the persons concerned the value which they themselves have declared, with an additional 10 per cent. as indemnity.

The Customs shall make the said payment as soon as possible, and not later than fifteen days after the time when the pre-emption shall have been notified to the declarers.

21. If the person concerned should so request, the goods pre-empted may be returned to him on payment of the additional duties and the costs, together with a fine, the amount of which shall be fixed according to the circumstances by the Collector of Customs of the district or, upon appeal, by the Central Board.

This fine shall not exceed 10 per cent. of the difference between the price of the goods as declared by the owner and that estimated by the Customs.

22. Goods pre-empted, which have not been restored to the persons concerned, shall be sold for the benefit of the Government. The sum paid to the persons concerned, as also the duty and costs, shall be deducted from the total sum realized by the sale, and the surplus, if any, shall be paid into the State Treasury.

23. In the event of changes in the Tariff, the Tariff to be applied shall be that in force at the time of registration of the goods at the first import or export custom-house.

24. In the event of presentation for import into Persia of goods, the classification of which cannot be precisely determined, or which have not been mentioned in the Tariff, the Central Customs Board may order that, for the purposes of the Tariff, such goods be treated as belonging to the class to which they are nearest akin.

25. All disputes concerning the application of the import or export Tariffs, which arise between the persons concerned and the Customs officers, shall be judged, in the first instance, by the Provincial Collector of Customs, through the intervention of the Consul of the Power of which the owner of the goods is a subject, or of the deputy of such Consul.

It shall always be open to the latter to appeal against the decision arrived at, in which case the dispute shall come before the Central Customs Board at Tehran, where final judgment shall be given at the intervention of the Minister representing the Power of which the owner of the goods is a subject, or at the intervention of the deputy of such Minister.

26. Whenever the examining officers of the Customs are in doubt as to the nature or quality of any article of merchandize submitted for their examination, they shall defer the admission of the said article, having first referred the question to the local Collector of Customs. These officers shall take a sample of the goods in question, and the said sample, together with a Report furnishing all the data necessary for the purpose of solving the difficulty, shall be forwarded to the Provincial Collector of Customs within whose jurisdiction the decision of the question lies.

Should it be recognized, however, that the declaration has been made in good faith, the person concerned shall be authorized, if he make application to that effect in writing, to take immediate possession of the goods, provided that he deposit a sum equal to the highest duty the Customs may deem applicable to such goods, and provided further, that he undertake to comply in all respects with whatever decision may have been arrived at after the dispute shall have been adjudicated upon in conformity with the procedure set forth in the preceding Article.

CHAPTER III.—*Exemptions from Customs Duty.*

27. In addition to the goods which are declared by the Tariffs to be exempt from customs duty, the following also are dispensed from the payment of such duty :—

(1.) Articles imported from abroad or exported thither on behalf, and by order, of His Majesty the Shah.

(2.) Camels or other beasts of burden, as also tents, carpets, or other articles necessary for persons travelling towards, or returning from, holy places, provided such articles be really their personal property, and not trading stock.

(3.) Articles imported for the personal use of the Representatives of foreign Powers accredited to His Majesty the Shah. The privilege of this exemption is extended also to the staffs of such

Missions, that is to say, to the Councillors, Secretaries, Interpreters, and Student Interpreters attached to the Embassies or Legations, as well as to the professional members of the Consular Corps, Consuls, Vice-Consuls, and their interpreters or foreign Secretaries, duly accredited to the Persian Government.

In order to be admitted as free of duty, the consignment must be accompanied by a declaration from the addressee, specifying the numbers and the marks of the articles, and also, if possible, their quantity and value.

The addressee must also certify on such declaration that the articles are for his personal use.

In localities, where different grades of officers of the Diplomatic or Consular Corps reside, such statement must be signed by the Chief of such Mission or Consulate.

This declaration shall be accompanied by an import permit for use at the Customs inspection, which shall, as a rule, be of a cursory nature, that is to say, limited merely to the external identification of the parcels and their marks.

Where, however, there is grave suspicion of abuse, the parcels may be retained, and the local Collector of Customs shall refer at once to the Central Board, which shall decide as to their admission, having previously arrived at an understanding with the Minister or the Representative of the country concerned.

Whatever doubts may be entertained, foreign official seals shall be respected.

All these advantages and privileges shall pertain only to the Diplomatic or Consular officers of countries where the Diplomatic and Consular officers of His Majesty the Shah enjoy in this respect, the rights of the most favoured nation. Similarly, all correspondence (letters, whether containing value or not, and postal parcels) of the Embassies, Legations, and Consulates of foreign Powers, coming from, or sent, abroad by post, or by special messenger, shall be exempt from all inspection.

It is to be understood, however, that the exemption from inspection shall not extend to any bags, envelopes, or parcels not bearing official seals, which messengers of Legations or Consulates may take with them.

(4.) The luggage of travellers, including clothes and personal effects for the use of such travellers, with the exception of new articles and of those which might be considered as trading stock.

Without an authorization from the Central Customs Board, this exemption shall not apply to luggage imported more than two months after the arrival of the traveller himself.

Foreign travellers, provided with a passport in due order for the crossing of the frontier, are authorized to import, free of duty, such

quantities of provisions or articles as are intended for their personal use, but the total amount of the exemption per passport shall not exceed $2\frac{1}{2}$ tomans.

(5.) Clothes, body linen, bed linen, and table linen, as also articles of furniture of all kinds (but not drinks, produce, merchandize, or trading stock imported by persons coming to settle in Persia), provided such articles be not new and bear evident marks of wear.

(6.) Cattle led by foreigners to pasture on the lands situated on the territory of the Empire near the frontiers, and cattle led by the inhabitants of Persia to pasture on the lands situated on the frontiers outside Persia.

(7.) Merchandize of native origin or manufacture, returning from abroad either because it has been refused or not sold there, or because it has not been admitted owing to a prohibition or to some other unavoidable hindrance.

(8.) Bags containing postal despatches or correspondence, with the express exception of bags or packages containing parcels post or samples post, are free from inspection and other customs formalities, provided they be closed and sealed by a foreign post-office and remitted to the officers of the postal administration of Persia.

CHAPTER IV.—*Prohibitions.*

28. Importation of the following articles is prohibited:—

(1.) Fire-arms of all kinds.

(2.) Ammunition for all kinds of fire-arms, such as powder, cartridges, percussion caps, projectiles, &c., as also, in general, all simple or compound explosive products having a detonating power equal to, or greater than, that of ordinary gunpowder, with the sole exception of fireworks.

(3.) Money, other than of gold or silver.

(4.) Dry or liquid aniline dyes, also all dry or liquid dyes in which aniline forms an ingredient.

(5.) Books, papers, prints, writings, images, emblems, and any articles whatsoever of a seditious character, or contrary to religion or good morals.

29. Exportation of the following articles is prohibited:—

Carpets dyed by means of aniline dyes or by means of dyes in which aniline forms an ingredient.

30. Irrespective of the prohibitions mentioned in Article 28 of the present Code of Regulations, the importation or exportation of other goods may be prohibited, either in the interests of the safety of society, or in order to prevent the exportation of products which

it might be necessary, for the time being, to hold in reserve in order to assure the public food supply.

31. The Sadr-Azam, or Prime Minister, is also authorized to grant, in special cases, exemption from Article 28, which forbids the importation of fire-arms, ammunition, and explosives.

Each such authorization, conformably to the notes appended to Nos. 3 and 33 of the Tariff (A), shall stipulate the amount of the exemption dues to be paid to the import custom-house, and, as regards explosives, the precautions to be observed by the persons concerned in effecting the transport of the same across country.

32. All importation, as well as all exportation, or attempted exportation, in contravention either of Articles 28 and 29, or of a special order issued in accordance with Article 30 of the present Code of Regulations, shall involve the seizure and the confiscation of the goods.

Furthermore, where goods, prohibited for import or export, have not been declared or regularly presented at the custom-house, or where the said goods have been concealed amongst other goods, or in any other manner whatsoever, the transporters or declarers shall incur conjointly, and subject to the right of any of them to recover from the others a fine equal to the value of the goods, independently of the seizure and confiscation of the prohibited goods as well as of the goods which have served to conceal them. In the case of importation or exportation by routes not leading to a custom-house, the fine shall be double the value of the goods, and the means of transport, ships, boats, beasts of burden, or carriages, as well as the other goods imported or exported at the same time, shall be confiscated.

Furthermore, those persons who are the authors or accomplices of such fraud, shall be punished with one year's imprisonment.

33. The means of transport, ships, boats, or beasts of burden, which have served for the importation or exportation of prohibited goods shall be specially distrainable for the fines incurred in virtue of the preceding Article ; and, in default of payment of the said fines not later than thirty-one days after the discovery of the fraud, they may be sold to the amount of the sum due.

34. Any persons against whom it shall in any way be proved that they have participated in the importation or exportation of prohibited goods, whether by ordering, buying, or selling such goods, or in any other manner, shall be liable to the same penalties as those who have directly violated the prohibition enacted by the present Code of Regulations.

The value of the confiscations and the amount of the fines thus incurred shall be recoverable on all the property, movable or immovable, owned by the guilty persons. The prosecution to be

undertaken in virtue of the present Article shall, however, be notified officially to the delinquents not later than two years from the day on which the unlawful act was committed.

35. The goods distrained or confiscated in virtue of Articles 32, 33, and 34 of the present Code of Regulations shall be sold for the profit of the Imperial Treasury, with the exception of:—

(1.) Aniline dyes, also papers, books, prints, and images contrary to religion or good morals.

Such articles shall always be burnt or destroyed publicly, not later than the day after their seizure, in presence of the Collector of Customs, the Governor or his Deputy, and of any other persons whom it may have been possible to call together.

An official record of the destruction shall be drawn up on the spot and sealed by all the persons present. A copy of this record shall be sent to the person against whom the seizure has been effected, and another forwarded immediately by the Collector of Customs to the Customs Board at Tehran.

(2.) Money, other than of gold or silver, fire-arms and ammunition for the same, shall be sent, as soon as possible, to Tehran, to the address of the Central Customs Board for transmission to the Imperial Palace.

36. Any official or employé of the Government who shall be convicted of having permitted, tolerated, or in any way favoured the importation or exportation of prohibited goods, shall be punished with imprisonment for a term not exceeding one year, according to the gravity of the offence. Further, his property, movable and immovable, shall be subject to distraint for the payment of a sum equal to double the amount of the fines and confiscations declared by the preceding Articles to be incurred by the authors of similar frauds.

37. Rewards in money, to be provided out of the amount of the fines and confiscations, may be granted by the Customs Board to officers and employés who shall have discovered or proved any contraventions of the present code of Regulations, and also to any person who shall have given information to the Board in consequence of which such contravention may have been discovered.

38. Any contravention of Articles 28, 29, and 30 of the present Code of Regulations shall be notified by a declaration drawn up in duplicate and signed by not less than two employés, and such contraventions shall be followed up at the suit of the Customs Board, which shall be competent to collect the fines and the amounts of the confiscations, and to exact the corporal penalties incurred. One of the copies of the declaration shall be handed to the principal delinquent, who shall sign or seal an acknowledgment of receipt of the same, and the other shall be sent as soon as possible to the

Customs Board, which shall be competent to allow a reduction of the penalties, if there be circumstances which justify the exercise of clemency.

CHAPTER V.—*Concerning Imports.*

General Rules.

39. No goods shall be imported except at places where custom-houses are established for the collection of import and export duties in conformity with the Table hereunto annexed.

The suppression of an existing custom-house or the establishment of a new one shall be effected by a special Decree which shall be brought to the notice of the Legation concerned.

40. At the import custom-house, the importer shall forward to the local Collector of Customs a written declaration in duplicate, either in Persian or in French, drawn up after the model annexed to the present Code of Regulations, and containing an accurate description of the goods.

This declaration shall specify :—

(1.) The country of origin of the goods, and the place from which they have been consigned and, if they are imported by ship or by boat, the name, nationality, and place of departure of such ship or boat, as also the name of the captain or master.

(2.) The number, nature, marks, and distinguishing numbers of any parcels imported.

(3.) The nature of the goods contained in such parcels, as also the nature of any goods loaded in bulk, the weight or measure of the goods, their value and the place to which they are being sent.

(4.) Every customs declaration must be signed or sealed. If, however, the person concerned should be illiterate, the declaration may be made out for him by some other person who, in such case, shall certify the authenticity of the seal or sign affixed by the declarer.

In the case of small quantities of goods, however, the custom-house is empowered to accept verbal declarations.

CHAPTER VI.—*Imports by Sea.*

41. Ships and boats coming from abroad, shall proceed directly, and before touching at any point of Persian territory, to a port at which there is a custom-house.

42. Ships and boats, when in Persian ports, are required to anchor at the spot indicated by the local Collector of Customs.

43. Immediately after the arrival of a ship or boat, and before commencing to discharge any of the goods, the captain or master shall forward to the local Collector of Customs the duplicate declarations, drawn up conformably to Article 40, in respect of all

the goods that he has on board, and at the same time a copy of the ship's manifest.

If the ship should carry goods consigned to different ports, the fact should be mentioned in the declarations aforesaid, and the captain or master shall be required also to furnish, at each of the ports at which he touches, a separate declaration for the goods to be unloaded at such port.

44. Whenever, owing to unavoidable circumstances, the captain or master is obliged to unload his ship or boat before reaching a point at which there is a custom-house, he shall make an exact note, both on the declaration which he has prepared for the custom-house, and on the ship's papers, of the merchandize transhipped.

45. Instead of being made by the captain or the master, the declaration may be signed and handed in by the addressee, the owner, or the consignee of the goods.

46. On seeing the declaration the local Collector of Customs shall affix thereto the authorization for unloading the ship or boat. Except in the circumstances provided for in Article 44, the unloading of a vessel or boat cannot be commenced until after the delivery of the said authorization; it must be conducted in the presence of officers charged by the local Collector of Customs with the identification of the goods and, if need be, with the supervision of their storage.

47. The inspection of goods declared at the first import custom-house, and intended to be discharged at another port, where also there is a custom-house, shall be deferred until they reach their destination, a cursory inspection being in the meantime made of the state of the cargo and of the lead sealing of the hatches or of the parcels stowed without cover on the deck.

If there be any suspicion of fraud, however, the local Collector of Customs is empowered to proceed to a complete inspection of the cargo.

48. In the case of importation by sea, if it be duly established that, owing to exceptional circumstances, the captain or master is not in possession of the documents necessary to enable him to draw up the definitive declaration containing all the information prescribed by Article 40, he may obtain from the local Collector of Customs permission to discharge the whole or part of cargo under the superintendence of the Customs officers in order to examine the goods, and in this way acquire the information which will enable him to declare them with the requisite amount of detail.

This permit to discharge is granted on a provisional declaration forwarded by the person concerned in duplicate, and setting forth, according to the bills of lading and other documents in the possession of the importer, the number, nature, marks, and distinguishing

numbers of the parcels, also, as nearly as possible, the nature and quantity of the goods.

The permit to discharge shall specify the term within which the goods must be finally declared; pending such final declaration, the person concerned shall observe such measures of precaution as the local Collector of Customs may prescribe.

As regards goods destined for another port of discharge, as provided by the second paragraph of Article 43, the transport of such goods to their place of destination shall take place on the authority of such one of the copies of the provisional declaration, as shall have been indorsed to that effect by the local Collector at the first custom-house. This declaration shall again be produced to the Collector at the place of destination, who shall minute thereon the requisite permission to discharge, conformably to what has been stated above.

49. If, on board a vessel entering a Persian port, there shall be any merchandize which is destined for a foreign port, and is not to be discharged on Persian territory, the captain shall make a separate declaration in respect thereof, conformably to the second paragraph of Article 43, and shall submit to such measures of surveillance as the local Collector of Customs may think fit to adopt.

50. In support of the declarations required by the present chapter, the captain or master shall, if required, produce to the local Collector of Customs, or to such officer as the Collector may specially depute for that purpose, the bills of lading and other ships papers relating to the cargo. He shall enable the said officials to inspect his cargo should they deem it necessary to do so, and shall afford them any desired facility for this purpose.

51. The goods discharged shall, immediately they leave the ship or boat, be taken to the storage rooms or inclosures of the Customs, or to a private bonded warehouse approved of and supervised by the Customs in accordance with Chapter XII.

CHAPTER VII.—*Goods wrecked and salvaged.*

52. If goods from ships wrecked or lost, or goods jettisoned by reason of distress, should be salvaged or picked up either along the shores or in the territorial waters of Persia, those who effect or supervise the salvage are required to acquaint the officials of the nearest custom-house so soon as possible, and it shall be the duty of the said officials to take possession, provisionally, in the name of the Government, and to advise the Consul of the nation to which the shipwrecked vessel is supposed to have belonged.

Such goods as are subject to rapid deterioration shall at once be sold on behalf of those to whom they may belong.

Consuls shall be entitled to claim, within six months, the restitution of any articles found, or the proceeds of the sale of such articles, on furnishing proof that the said articles belong to a subject of the Government which they represent, and on payment of any customs duties which may be owing, together with the costs of salvage, or subject to the latter being ultimately deducted.

The costs of salvage to be ultimately paid shall be determined by mutual agreement between the local Collector of Customs and the person interested, and with the intervention of the Consul of the nation to which the interested person belongs, if such intervention be requested by that person.

Goods other than those subject to rapid deterioration shall be sold after a term of six months.

The proceeds of the sale, after deduction of any customs duties owing under Article 7, or in accordance with the note appended to the said Article, shall be divided between the proprietor of the goods and the rescuer by common agreement.

But such agreement cannot be concluded without the intervention of the Consul of the Government whereof the proprietor of the goods is a subject.

If, within the term of two years, the proceeds of the sale shall not have been claimed by the proprietor of the goods, such proceeds shall be divided between the Treasury of the State and the rescuer of the goods.

53. Such goods as shall, before the arrival of the officials and without their knowledge, have been carried further than to those parts of the shore where they would be sheltered and insured against further damage by the water, shall be treated as having been imported without declaration, and shall not be considered as shipwrecked.

54. When merchandize recovered at sea is brought to land by means of lighters, the masters of such lighters shall be subject to the same rules as the captains of sea-going ships, except that the declaration shall be verbal.

55. So long as the rescued merchandize shall remain in charge of the Customs, the persons concerned shall be at liberty to export the same free of all duty, provided they comply with such orders as the local Collector of Customs may issue with a view to insuring re-exportation within the term fixed by him.

56. Shipwrecked goods in respect of which advantage is not taken of the option conceded by the preceding Article, shall, so far as concerns duty, be classed with imported goods; but such of them as may belong to the category of goods the importation of which is prohibited, can only be delivered on condition that they be re-exported, without prejudice to the measures to be enforced in the

event of it being proved that there has been an attempt at a breach of faith.

57. Spars, masts, sails, anchors, cordage, and other parts of rigging saved from vessels wrecked on the coast, also anchors and cordage picked up at sea within sight of the coast, shall be equally free of all duty, provided that all the necessary proofs with regard thereto be forthcoming. The same shall apply with respect to apparatus or gear of Persian ships wrecked on foreign coasts, on the same being returned to Persia within the six months following the occurrence.

CHAPTER VIII.—*Imports by Land Routes.*

58. No goods may be imported by land, unless from the time of their crossing the frontier they shall have followed those roads which are indicated as authorized routes for importation. Transports must proceed directly by those roads to the first custom-house established on the route, as prescribed by the Table hereunto annexed.

59. Immediately upon the arrival of a transport at the first custom-house the muleteer, "tcharvadar," or waggoner shall deposit the goods within the courtyard of the custom-house, and deliver to the local Collector of Customs the declarations required by Article 40. The declaration may be made verbally in the case of goods imported separately when the quantity does not exceed what can be carried by a single beast of burden.

60. Where there exists at the frontier only a customs guard-house, and the custom-house itself is situated in the interior of the country, the declaration prescribed by Article 40 shall be made out in duplicate and delivered to the officer in charge of the guard.

One of these declarations shall be retained by him, and the other annexed to a provisional pass ("pateh"), which is returned to the muleteer, "tcharvadar," or waggoner, after verification of the number marks, distinguishing numbers, and nature of the parcels. These are then sealed with lead by the Customs and confided to the driver, he giving a written undertaking to deliver the same intact, together with the provisional pass, at the custom-house charged with the collection of the duty.

After the parcels shall have arrived at the custom-house, and it shall have been found that they, as well as the lead seals, are intact, the local Collectors shall notify the officer of the frontier Customs guard accordingly.

Should the latter fail to receive this notification within the prescribed term, he shall inform the Collector aforesaid, who shall proceed against the muleteer, "tcharvadar," or waggoner for the recovery of the duty and the fine payable. The beasts of burden,

vehicles, and other means of transport are especially liable to dis-traint for any contraventions in connection with transport which may be committed by muleteers, "tcharvardars," waggoners, or other carriers.

CHAPTER IX.—*Exports by Sea.*

61. No merchandize, whatever its nature or origin, may be shipped for a foreign country without having been declared and examined in accordance with Articles 62, 63, and 64 hereafter.

Merchandize may be shipped not only at a place where there is a custom-house, but also at any other place by special permit and under the surveillance of a Customs officer.

62. Before the merchandize is shipped, the exporter shall furnish the Collector of Customs with a statement drawn up according to a model supplied by the Customs Board, showing the number and nature of the parcels, their marks and distinguishing numbers, the nature, weight, and value of the goods, the name and flag of the ship which is to transport them, and the country of destination.

Where the goods to be exported are subject to export duty, the nomenclature used in declaring their nature shall be that employed in the Tariff.

For other goods the exporter shall use the nomenclature most generally used in commerce, and shall furnish, if need be, any explanation on this subject which may be required of him by the Collector of Customs.

63. On seeing the declaration, the local Collector shall issue an export permit. This permit does not authorize the shipment of the goods on the exporting vessel until after the nature and quantity of the goods has been verified and the export duties, as well as any fines incurred in respect of contravention, have been paid.

Without the express authority of the local Collector of Customs, no goods may be shipped except in the presence of the officials charged with the inspection of such goods.

64. The captain or master of any trading vessel or boat taking a cargo in a Persian port, or happening to be in a Persian port or roadstead, shall before weighing anchor, be required to obtain permission to leave, except where stress of weather or other unavoidable circumstances compel the vessel to weigh anchor at once.

The master or captain shall allow the Customs officers to inspect the cargo if they deem it necessary to do so, and shall afford them all possible facilities for that purpose.

CHAPTER X.—*Exports by way of Land.*

65. All goods may be exported by land by passing through a custom-house, or in virtue of a special authorization and under the

surveillance of a Customs officer, by passing through a locality where there is no custom-house.

66. As soon as the goods shall have arrived at the custom-house the muleteer, "tcharvardar," or waggoner shall deliver to the local Collector a declaration in duplicate setting forth the particulars required by Article 62 for exports by sea.

He should also be required, if requested by the officers of the Board, to deliver the way bills or "barnamehs" relating to the goods transported.

67. The local Collector shall retain one copy of the declaration, and shall annex the other to an export permit.

After inspecting the goods, collecting the duties (if any), and affixing lead seals to the parcels, the local Collector shall deliver the export permit to the muleteer, "tcharvardar," or waggoner, and the transport shall proceed direct to the frontier by the authorized routes.

68. The muleteer, "tcharvardar," or waggoner shall deliver the export permit to the officials of the frontier customs guard, and if the officials in question find the parcels to be in order and the seals intact, they shall make a minute of the fact on the document, and the said document shall be returned within the prescribed period to the custom-house at which it was issued.

Should the parcels or seals not be in order, the officials shall report the fact in due form.

CHAPTER XI.—*Customs Storage Rooms.*

69. The Central Customs Board shall provide for the establishment, at every important custom-house, of one or more inclosures, sheds, or storage rooms for the reception of goods imported pending their final declaration by the consignees or other parties concerned.

The storage rooms shall be properly closed so as to present the requisite degree of security, and shall also be sufficiently spacious to hold the quantities usually imported of such goods as require storage.

70. The introduction of goods into the storage room of an import custom-house is effected on the authority of a copy of the declaration prescribed by Article 40, and if necessary on the authority of a provisional pass.

71. Goods shall not be admitted to the customs premises until after they shall have undergone a cursory inspection, sufficient to enable their nature to be determined. After having carried out such inspection, and after having proved in the presence of the person concerned, or of his deputy, that the number and nature of the

parcels, as well as their marks and distinguishing numbers, correspond to the entries in the lading declaration, the officials shall enter them in a register specially kept for that purpose, taking care at the same time to mention any traces of damage or breakage of the packings, which are noted at the time of entry into the warehouse.

72. Parcels shall be placed in the custom-house storage room by the care and at the cost of the persons concerned, and in accordance with the directions of the Customs officers, whose business it shall be to see that, so far as possible, parcels owned by the same person, and forming part of the same cargo, are placed together, so as to facilitate the work of stock-taking should occasion for such arise.

73. Parcels placed in the custom-house storage room shall not be opened before the goods have been finally declared, either for importation into the country, or for deposit in a bonded warehouse, or for re-exportation.

An exception shall, however, be made in respect of parcels containing goods, as to which the person concerned is not in possession of the data necessary for the purpose of enabling him to make his detailed declaration, or in cases where such person wishes to sort, match, or dry the goods; but he shall not be permitted to undertake any of these operations without having previously obtained permission from the local Collector of Customs, who shall depute one or more officers to supervise the operations.

Goods which rank as dangerous or unhealthy, or are of such a nature that their proximity might be injurious to other goods, shall not be admitted to the customs storage rooms, and shall be declared for importation into the country immediately after being unloaded at the import custom-house, unless it be intended to deposit them in a private bonded warehouse.

Goods of a cumbrous description shall also be refused admission to the storage rooms, but they may be placed under sheds or (tarpaulin) coverings, or in the open air in the courtyards (if such exist), or on ground specially selected for the purpose by the local Collector of Customs. A similar course may be adopted in respect to goods subject to a low import duty, and if necessary, in exceptional circumstances, in respect to certain goods deemed to be dangerous.

74. Goods shall be permitted to lie in the import storage rooms for a period not exceeding ninety days.

Those goods which at the expiration of that period have not been definitely declared, either for importation into the country or for re-exportation, or for deposit in a bonded warehouse, shall be removed to a special dépôt by the local Collector of Customs, who shall keep them there for a year, after which, if they have not been claimed, they shall be sold by public auction. The net proceeds of

the sale, after deduction of duty and expenses, shall be placed in the State Treasury.

The said proceeds may be claimed within three years by the person who shall prove his right thereto; after the expiration of that period they shall become the property of the Treasury beyond right of recovery.

CHAPTER XII.—*Bonded Warehouses.*

75. In all places where there exists a custom-house, and where it may be deemed necessary in the interests of trade, there shall be established bonded warehouses of two kinds:—

(1.) For the use of the public, *i.e.*, for the storage of goods belonging to different persons;

(2.) For private use, *i.e.*, for the storage of goods belonging to the owner of the warehouse.

Importers may deposit their imported goods in these warehouses with the option of declaring them later on either for importation into the country or for re-exportation.

Goods deposited in those of the public bonded warehouses which belong to the Customs Board shall be subject to warehouse dues not exceeding what is fixed by Article 7.

76. The time during which they shall remain in such warehouses is fixed at one year. At the expiration of that period goods to which no final destination has been assigned shall be removed to a special dépôt by the local Collector of Customs, who shall retain them for one year, after which they shall be sold by public auction, and the net proceeds of the sale, after deducting duty and expenses, shall be placed in the State Treasury.

The aforesaid proceeds may be recovered within three years by the person who shall prove his claim to them; after the expiration of that period they shall become the property of the State beyond right of recovery.

77. Admission to public bonded warehouses shall not be accorded to goods which are readily inflammable or dangerous, or injurious to health, or of such a nature that their proximity might cause injury to other goods; the same shall apply in regard to such goods as are exempt from import duty, or damaged, or subject to rapid deterioration.

78. In order to be able to deposit in a bonded warehouse the goods which have arrived at a custom-house, the person concerned shall be required to sign a special declaration containing all the particulars prescribed by Article 40, at sight of which declaration the Customs shall issue the requisite document.

79. Goods deposited in a public bonded warehouse shall be conveyed to such warehouse and there stowed and classified by the

bonders themselves, who shall comply with any directions which the officers of the Customs Board may give them with regard to such conveyance, storage, or classification. The officers aforesaid shall keep a register in which the goods shall be entered as they arrive, together with all details necessary for enabling them to be identified. Special notes shall be made in the register of any traces of breach which may be noticeable on the parcels, as also of any damage which may be observed at the moment when the goods enter the warehouse, and which are not of a nature to entail their exclusion from the warehouse.

80. In any place where a custom-house is situated, any importer shall be free to obtain permission to establish a private bonded warehouse for the warehousing of his own goods, on condition that the building which he provides for that purpose offers all necessary safeguards against the (illicit) removal of goods, that it be furnished with suitable premises specially set apart for the examination of goods leaving the warehouse, that it be situated in proximity to the place where the goods are unloaded, and that it be approved of by the local Collector of Customs before being used for the warehousing of any goods whatsoever.

The private bonded warehouse shall be secured by means of two locks, one of which shall be affixed at the owner's cost by the Board of Customs, who shall have a right to alter it whenever they think fit to do so. The key of the aforesaid lock shall remain in the hands of the local Collector, so that no work can be carried on in the warehouse without the intervention of the Customs officers.

81. Every merchant who owns a private bonded warehouse shall keep a register of the goods bonded therein according to a model prescribed by the Central Board of Customs.

Before being put into use the register shall be numbered and indorsed by the local Collector of Customs.

The Customs officers shall have the right to take stock at any time of the goods which are deposited in the warehouse and to satisfy themselves that such goods correspond to the entries in the register, as also that the said entries correspond to the documents presented in connection with deposits in and withdrawals from the warehouse.

In respect of any goods which shall be found to be missing, the duty shall be paid at once, without prejudice to the penalties incurred.

82. No goods shall be withdrawn from a bonded warehouse, public or private, unless the person concerned shall have previously delivered to the local Collector a detailed declaration, as prescribed by Article 40, for importation into the country or for re-exportation.

At sight of the declaration aforesaid the local Collector shall issue a permit for importation into the country or for re-exportation, as the case may be; this permit shall authorize the withdrawal of the goods from the warehouse, and shall specify the time fixed for such withdrawal.

The withdrawal shall take place in the presence of Customs officers, and the procedure shall be in all respects the same as if the goods which are being withdrawn from the warehouse had arrived direct from abroad.

83. Goods deposited in bonded warehouses, public or private, shall be furnished with tickets and arranged in such a way as may render it easy to make an inventory of them and to recognize in virtue of what documents their entrance into the warehouse was effected.

84. Goods deposited in bonded warehouses, public or private, may, if a request to that effect be made in writing by the person so depositing them, be subjected to a process of repacking, selecting, assorting, or drying in virtue of a permit issued beforehand by the local Collector of Customs who shall depute one or more officers to watch the operation. The new parcels shall be duly entered in the books, &c., just as if they were entering the warehouse (for the first time), and the tickets placed on the goods shall be altered in consequence according to the instructions of the local Collector.

85. The storage rooms used for the reception of goods deposited in bond shall not contain any goods other than those deposited under the rules as to warehousing in bond. Any goods which shall be discovered in a private bonded warehouse without their presence in such warehouse being accounted for by some document of admission, shall be entered in the register of bonded goods by the officers of the Customs Board.

86. Depositors of goods in bonded warehouses shall be required to attend to the proper conservation of such goods, and to take such steps for that purpose as may be suggested to them by the local Collector of Customs, who may, nevertheless, take those steps himself should he deem it necessary to do so, and debit the goods with the cost.

87. In response to a written request from the person who has deposited goods in bond, the local Collector of Customs may, by means of a written permit, give authority for sample to be taken of such goods.

CHAPTER XIII.—*Liability of the Customs for the Goods deposited on Customs Premises or in Private Bonded Warehouses.*

88. In the event of a parcel which has been intrusted to the care of the Customs being lost, the Treasury shall refund the value of the same to the owner.

89. The expense incurred by the Treasury in refunding as aforesaid shall be recoverable from the officers and inspectors of the warehouse, whose duty it was to guard the customs storage rooms where the loss has occurred. The officers in question shall be personally liable to the Treasury, and their property shall be held as security for their liability.

90. The Treasury shall not be liable in respect of the natural wastage or decay of an article of merchandize, unless the fact be imputable to the Customs Board; nor shall the Treasury be liable in respect of the risks connected with goods which happen to be burnt while they are in bonded warehouses belonging to the Customs. The owners of the goods are always entitled to have their goods insured against the risk of fire.

91. The Treasury shall not be liable in respect of the disappearance, wastage, or damage of goods deposited in private bonded warehouses (see end of Article 81).

92. The inspection of the goods is made in virtue of a separate declaration signed by the owner or his deputy in respect of each parcel of goods.

This declaration must be presented to the Customs not later than fourteen days from the date of delivery of the lading documents.

The declaration shall specify:—

(a.) The place of origin and the place of destination of the goods, and, in the case of imported goods, the date and number of the declaration under which the said goods have arrived at the custom-house;

(b.) The number, kind of packing marks, distinguishing numbers, and gross weight of the packages;

(c.) The description of the goods according to the classification adopted in the official Customs Tariff;

(d.) The net weight of the goods, their value, their number or quantity, their measurements (if need be), and their volume;

(e.) The name and address of the consignee.

93. As a rule every parcel should be examined separately. Nevertheless, when the declarers produce either the original invoices or accounts of the manufacturers or wholesale merchants, or specifications of the kind, weight and value of the goods contained in each parcel, the Customs shall merely cause certain of the

parcels which they shall select for the purpose (either one or more, according to the size of the consignment) to be turned out; but if the kind, weight, or value of the goods ascertained by means of this sample examination should be found to differ to an extent exceeding 5 per cent. from the details of the declaration, the Customs shall require the whole of the parcels to be turned out.

94. In the case of goods dutiable according to weight or measure, which are imported in large quantities and inclosed in parcels of the same weight or dimensions, the examination may be limited to 10 per cent. of the parcels which shall be selected for this purpose by the Customs officers. Among those properly filled according to the recognized standard quantities, the weight or measure of the goods liable to duty shall then be calculated proportionately.

In the case of articles exempted from duty the officers may limit the examination of the number, weight, or amount of the goods to a cursory identification of the quantity declared.

95. The result of the detailed examination of the goods shall be noted and certified by the officials on the import or export permit and used as the basis for calculating or paying the requisite duties.

96. The examination being completed, and no infringement having been ascertained, the local Collector of Customs shall collect the duties, giving a receipt for the same to the persons concerned, and shall cause a label to be affixed to the parcels, which shall avail as a permit for their being removed from the store-rooms and conveyed to their destination.

If any irregularities shall have been disclosed by the examination the said Collector shall enforce the payment of such fines as are provided for the circumstances by Chapter XIV.

CHAPTER XIV.—*Frauds and Contraventions.*

97.* The importation or exportation of goods by unauthorized routes (Article 39), *i.e.*, in such a way as to avoid the custom-houses without the knowledge of the Customs authorities, shall be punishable as follows:—

(a.) In the case of goods, importation or exportation of which is prohibited by the provisions of the Law of the 5th Ramazan, 1317, the penalty shall be in accordance with the provisions of the said Law, which are given in Chapter IV of the present Code of Regulations;

(b.) In the case of goods liable to customs duties, the penalty shall consist in confiscation of the goods as well as of the means of transport used in the perpetration of the fraud;

* See Additional Declaration, page 1177.

(c.) In the case of goods exempted from duty by the tariff the penalty shall consist in a fine of 1 toman per khavar of goods.

Moreover, if the means of transport employed in such cases be subject to import or export duties, they shall be seized and confiscated, unless it be shown to the satisfaction of the Customs Board that the irregularity has not been due to any intent to defraud. In this case a fine of 5 tomans per boat, 1 toman per waggon, and 2 krans per beast of burden, shall be paid irrespective of any payment which may have been required to be made on entering or leaving.

98. If among goods regularly entered in a custom-house there shall be found any that are not mentioned in the carrier's declaration and have not been declared by word of mouth, the goods which have not been declared shall be detained until the payment of a fine equal to 50 per cent. of the amount of duty fixed by the tariff. But if the said undeclared goods shall have been concealed by artifices such as false bottoms or similar contrivances, they shall be confiscated, together with the goods found in the same parcels and among which they have been concealed.

The removal of goods from a custom-house without the knowledge of the officials and without having been declared, shall entail the same penalties as would their fraudulent importation by unauthorized routes.

99. If, by an examination of goods in a custom-house the quantity or weight shall be found to exceed what is stated in the declaration by more than 10 per cent., a fine equal to twice the excess duty chargeable shall be imposed.

For any goods declared under a false description to the prejudice of the Treasury, that is to say, when instead of the actual kind, a kind subject to lower duties is declared, a fine shall be imposed equal to three times the amount of duty of which the Treasury would have been deprived if the fraud had not been discovered.

If, in the case of goods imported by sea or land, it shall be discovered that the number of parcels does not coincide with that appearing on the captain's or carrier's declaration, a fine of 10 tomans shall be imposed for each parcel missing, unless it be proved to the satisfaction of the Customs Board that the parcels have either been inadvertently detained at the port of loading or place of dispatch, or unloaded contrary to orders in a foreign country, in which case the fine shall only amount to 3 krans per parcel missing. Parcels found in excess of the number declared shall be seized and confiscated unless it be proved to the satisfaction of the Customs Board that the omission was an involuntary one and free from all intent to defraud, in which case the fine shall only amount to 3 krans per parcel in excess,

Where there is a deficiency or excess in the case of goods transported in bulk the fine shall be one of 5 tomans per 100 batmans, unless some valid excuse be offered, in which case the fine shall only amount to 3 krans.

In all cases of excusable irregularities on the part of captains or carriers when drawing up declarations, such as inaccurate specification of marks, distinguishing numbers and nature of packing of the parcels, and also in cases of delivery of declarations after the expiration of the prescribed periods, a fine of 1 toman on each statement or declaration shall be imposed.

100. Every case of illicit removal of lead seals, padlocks, or other fastenings with the Customs seal, placed on boats or storage rooms containing goods under Customs control shall entail a fine of 2 tomans, liability for which shall rest with the captain of the boat or the owner of the storage room.

101. For each lead seal lost during the transport of goods from an import custom-house or import storage room to the custom-house or bonded warehouse for which they are bound, a fine of 1 kran shall be imposed, unless it shall be shown that the loss has been accidental or unavoidable.

Where, however, a deficiency shall be discovered in the quantity of goods under the lead seals, the fine shall be one of 2 tomans per lead seal missing, apart from the measures which shall be taken in all cases to trace and prevent the further transport of the missing goods, which shall be treated as having been fraudulently imported.

102. The goods shall serve as a security for the payment of the fines; in the event of the latter not having been paid at the expiration of two months after the day on which their payment became due, a part of the goods sufficient to cover the amount of the said fines may be sold by public auction.

103. All merchants, companies or associations, captains of ships or other persons employing agents or workmen, shall similarly be responsible for any frauds, attempted frauds, or infringements of which the latter may be guilty.

104. The custom-house shall be liable, in proportion to the injury caused, in respect of any loss or damage affecting goods during the period of their detention in the closed storage rooms and public bonded warehouses belonging to the Customs.

In the same way the Customs Board shall assume responsibility to the owners of goods for the acts of its officials and work-people.

Nevertheless, when goods shall have been wrongfully detained by the officials beyond the time necessary to insure the carrying out of the regulations contained in the present Code, the amount of

indemnity allowed shall not exceed 1 per cent. of the value of the goods for each month of illegal detention.

105. The commission of frauds and infringements specified in the present Chapter shall be established by the officers of the Customs Board by means of *procès-verbaux*, which shall give a succinct and precise account of what has been discovered, and shall specify the persons, place and date.

The *procès-verbal* should be drawn up at once, or at the latest on the following day; the person offending shall be immediately furnished with a copy thereof, and if he be a foreign subject a second copy shall be forwarded to the Consul of the country to which the said offender belongs.

106. All offences committed by foreign subjects against the rules established by the present Code of Regulations for the importation, exportation, bonded warehousing, and transit of goods, shall be judged in the first instance by the local Collector of Customs in the presence of the Consul of the country concerned or his representative.

It shall in all cases be permissible for the said Consul or his representative to appeal against the decision arrived at; and in this case the suit shall be brought before the Central Customs Board at Tehran, where it shall be heard, without further appeal, in the presence of the Minister of the country concerned or his representative.

The appeal of the Consul or his representative should be notified officially in writing to the local Collector of Customs at the latest three days after his being served with a copy of the decision.

107. The Central Customs Board may, on the recommendation of the provincial Collector of Customs, remit or reduce the fines prescribed by the present Chapter if it shall be recognized that the offence has been the result of an error, or if it shall be decided that there are extenuating circumstances in favour of the offender.

For this purpose the Central Board may order the partial or total reimbursement of the fines if they should have been paid.

For six months from the date of payment of customs duties the Board shall be under an obligation to reimburse any sums which may be discovered to have been paid in excess of the lawful duty, in the event of the persons concerned making written application for such reimbursement.

108. Any persons who may in any way whatever be shown to be guilty of taking part in the importation or exportation of prohibited goods, either by ordering, buying, or selling such goods, or by arranging their transport or in any other way, shall be liable to the

same penalties as those who have directly contravened the prohibitions contained in the present Code of Regulations.

Notice of proceedings about to be taken in virtue of the present Article should, however, be served officially on the offenders at the latest two years from the day on which the offence was committed ; and where foreign subjects are concerned, the notice of the proceedings shall be served on them through the Legation or Consulate of the country to which they belong, to which latter the notice should be transmitted two years at the latest after the commission of the offence.

109. Seized or confiscated goods shall be sold for the profit of the Treasury.

110. Any official or employé of the (Persian) Government who shall be convicted of having permitted, suffered, or in any way whatsoever connived at the importation or exportation of goods subject to customs duty shall be liable to imprisonment for a period of not less than one year, but not more than three years, according to the gravity of the offence ; furthermore, the estate, both real and personal, of such convicted person shall be subject to distraint for a sum equal to twice the amount of the fines and confiscations imposed by the preceding Articles on the originators of such frauds.

111. Rewards in money, forming part of the amount of fines and confiscations, may be granted by the Central Customs Board to officers and employés who have discovered, or caused the discovery of, infractions of the present Code of Regulations, and likewise to all persons who have furnished the Board with information which has led to the discovery of such infractions.

CHAPTER XV.—*Miscellaneous Rules.*

112. Teams used in transporting goods to Persian custom-houses from abroad are exempted from customs duties.

Nevertheless, if the said teams should penetrate further into the country, the owner shall be required to furnish security either by the deposit of a sum of money or by such personal security as the Customs may accept for the amount of duty chargeable on the vehicles and waggons. The said deposit or personal bond shall be returned if, within a period of nine months from the date of entry, the Customs shall be satisfied that the vehicles or waggons have been re-exported.

Similarly, horses or other beasts of burden employed for transport leaving the country for abroad may be provisionally exempted from export duties by means of the deposit of security available for nine months.

113. The loading and unloading of merchandize, the manipula-

tion thereof in store rooms and bonded warehouses, as well as the importation thereof by land routes, are permitted from sunrise to sunset each day, but not on Fridays and public holidays, unless by special written permit granted in exceptional circumstances by the local Collector of Customs.

114. The Customs Board shall be at liberty to place Customs watchers on board any vessel with cargo lying in one of the ports of the Empire, or moving from one port to another with goods subject to duty or to the formalities prescribed by the present Code of Regulations or by Decrees issued to insure the enforcement of the same.

The captain shall be required to admit these officers on board, to provide them with free passage, to lodge them at his own expense while they remain on the vessel, besides paying them an allowance of 5 krans per day for board, if the vessel should be required to be kept under their surveillance during her voyage in Persian waters.

115. Expenses of every description for unloading, loading, unpacking, or other operations arising out of Customs formalities, whether at import or export custom-houses, or in Customs store rooms or bonded warehouses, shall be borne by the persons concerned. The latter are required to provide all necessary labourers and porters except at those custom-houses where the Customs authorities themselves undertake the organization of the work at the expense of owners of goods.

116. The Customs officers have the right to demand the production of papers certifying the payment of duty on all goods in course of being transported, from the time when they leave the custom-house where such duty should have been paid till they reach the inhabited place in the interior.

If the said papers be not produced, and the goods do not bear the labels which should have been affixed to them at the custom-house according to Article 92* of the present Code of Regulations, the transport shall be detained until the required certificates be shown. Failing the production of the certificates within the period of two months, at the latest, the goods shall be considered as having been imported contrary to the provisions of the present Code of Regulations, and the offenders shall become liable to the penalties laid down therein.

The same shall apply to goods with regard to which it can in any way be proved that the payment of customs duty has been evaded. To this end the Customs officials may, in cases of grave suspicion, examine the storage rooms owned by merchants. In the case of foreign merchants, however, such examination may only take place in the presence of the Consul or his representative.

* *Sic.* Query 96.

117. The Customs officers shall be required to be satisfied with the salaries granted to them by the Central Board.

They shall not be allowed to accept anything beyond their legal allowance, even on the ground that the same has been tendered to them freely or voluntarily, nor on any other grounds whatsoever.

Those who infringe this Regulation shall be deprived of their offices, irrespective of the other penalties which may be imposed on them and the administrative steps which the circumstances may render necessary.

118. The officers of the Customs Board shall behave with civility and promptitude towards all with whom they may come into contact in the discharge of their duties, and especially toward travellers and persons coming from abroad, whom they shall supply with all necessary information, at the same time refraining from furnishing to third parties any information concerning the business of one individual with another.

119. All civil and military authorities, as well as police officials and others connected with the administration of justice, shall be obliged, whenever requested, to render assistance and protection to the officials of the Customs Board in all cases connected with the discharge by the latter of their duties, or with the carrying out of the laws relating thereto. They shall be responsible for any losses occasioned by their negligence or by any unwarrantable refusal of assistance on their part.

120. Whosoever shall assault, use violence towards, or offer resistance to, officials in the discharge of their duty, or shall attack or damage the property of such officials for having discharged their duty, shall be prosecuted according to the laws and customs of the country.

121. Any official of the Customs Board taking part, directly or indirectly, in a fraud or attempted fraud, either by aiding or abetting the principals or accessories, before or after the fact, or by conspiring with the principals or accessories, or by accepting offers or promises, or by receiving gifts or presents, or by allowing the fraud to be committed when he could have prevented it, or in any other way whatsoever, shall be punished with imprisonment for a period of from two to five years, and moreover, shall be declared incapable of ever again filling any public office.

122. The present Code of Regulations shall come into force on the 1st September, 1904

TABLE drawn up in pursuance of Article V of the Anglo-Persian Declaration of February 9, 1903, showing Classification and Functions of Customs Offices, as well as the Points on the Land and Sea Frontiers at which Merchandize may be imported and exported. (This Table cannot be altered except by Special Decrees of the Customs Ministry, which must be duly notified to the British Legation.)

[This Table, which has not been printed here, applies to the Custom-houses in the following districts, &c.: Khorassan, Ker-
man, Caspian Sea, Azerbaijan, Kurdistan, Arabistan, Southern
Custom-houses, Seistan, and Baluchistan.]

Declaration respecting "Ports of the South."

I, the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, before signing the Code of Customs Regulations, declare that I do so with the reservation that the custom-houses denominated "of the south" and mentioned in the Table attached to the Code of Regulations, are not on that account to be considered as the only ones contemplated by the note of his Excellency the late Haji Mohsin Khan Mouchir-ed-Dowleh to His Britannic Majesty's Chargé d'Affaires, dated the 23rd October, 1897, concerning the hypothecation of the southern custom-houses by way of security for a foreign loan, and that the assurance contained in the said note is not to be regarded as being lessened, limited, or weakened in any way whatsoever by the distinction between the custom-houses known as those of "Arabistan" and those denominated "of the south" adopted in this Table for administrative purposes.

I beg that his Excellency the Minister of Customs will kindly take note of this Declaration.

Gulahek, August 29, 1904.

ARTHUR H. HARDINGE,

Legation of His Britannic Majesty.

I, the Undersigned, J. Naus, Minister of Customs and Posts, hereby take note of the above Declaration.

Tehran, August 29, 1904.

J. NAUS.

*Additional Declaration attached to the Code of Regulations for the
Collection of Customs Duties in Persia.*

The Customs Board hereby agrees:—

1. That if the person concerned shall make a written request to that effect himself, or if the request shall be made on his behalf by the Consul of the nation to which he belongs, at the latest ten days after the service of notice of the *procès-verbal* relating to the offence, there may be substituted for the confiscation of the means of transport provided by Article 97 of the Code of Regulations a fine not exceeding 60*l.*, the liability for which shall rest with the captain of the ship, the waggoner, the driver, and the other persons who may have taken an active part in the fraud.

Similarly if the person concerned shall make a written request to that effect himself, or if the request shall be made on his behalf by the Consul of the nation to which he belongs, at the latest five days after the day on which the seizure was notified, the goods confiscated under Article 97 of the Code of Regulations shall be restored to the offender or his representative, on payment of a fine to be determined by the Customs Board according to the circumstances of the case, the amount of which, however, may in no case exceed the value of the goods.

This arrangement shall not apply to the following cases:—

(a.) When, after previous offences, and for specific reasons, the Administration shall deem it advisable to uphold the confiscation, for the more severe punishment of the persons who have committed the fraud;

(b.) When the goods seized are perishable, unless the request for restoration of the goods be produced immediately after the notification of the seizure, and the offender at the same time deposit the value of the goods as security for the payment of the fine.

2. That, if the British Legation should afterwards demand it, a custom-house of the first-class shall be established at Kuh-Malik-Siah.

Tehran, August 29, 1904.

J. NAUS, *Minister of Customs and Posts.*

Declaration by Sir A. Hardinge.

I, the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, hereby notify to his Excellency the Minister of Customs and Posts my concurrence in the Additional Declaration made this day to the Code of Regulations for

the collection of customs duties in Persia, by which Declaration the Customs Board admits that under certain conditions a fine may be substituted for the confiscation of means of transport and of goods provided by Article 97 of the Code of Regulations, and pledges itself to establish, should the British Legation hereafter so request, a custom-house of the first-class at Kuh-i-Malik-i-Siah.

Tehran, August 29, 1904.

ARTHUR H. HARDINGE.

Declaration as to Signature of the "Règlement Douanier."

HAVING regard to the passage in Article V of the Anglo-Persian Declaration of the 9th February, 1903,* which stipulates that :

"A general Regulation drawn up by the Customs Administration, and which shall be established in agreement with the British Legation at Tehran, shall settle, as soon as possible after the coming into force of the present Convention :—

"(a.) The classification of the Customs offices and their functions, the points on the land and sea frontiers and the roads open for the import and export of merchandize, as well as the organization of the warehouses at the Customs offices and the date appointed for the commencement of the working of these offices and warehouses;

"(b.) The formalities to be observed by traders for the import and export of merchandize;

"(c.) The storage regulations to be applied to British merchandize during twelve months dating from its arrival at one of the offices open to this traffic;

"(d.) The charges to be levied on trade while merchandize remains in customs warehouses, or for any other services rendered by the customs to traders;

"(e.) The customs procedure as regards the checking of merchandize liable to specific duties, and the calculation of those imposed *ad valorem*, as well as the fines to be imposed in cases of fraud or of violation of the formalities and rules laid down."

The Undersigned—M. Joseph Naus, Minister of Customs and Posts of the Persian Empire, on the one part, and his Excellency Sir Arthur Hardinge, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of England at Tehran on the other—declare that the general Code of Regulations here attached, duly signed and initialled on every page, has been drawn up by common agreement between the Customs Administration and the British Legation, in pursuance of the above arrangement.

In testimony whereof the present Declaration has been drawn up in duplicate and signed by us.

Tehran, August 29, 1904.

J. NAUS.

ARTHUR H. HARDINGE.

*ACCESSIONS of British Colonies, &c., to the Treaty of Friendship, Commerce, and Navigation between the United Kingdom and Bulgaria, signed at Sofia, December 9, 1905.**

LIST of British Colonies, &c., which have acceded to the above Treaty under Article XX:—

Bahamas.	Leeward Islands—
Barbados.	Antigua
Basutoland.	Montserrat.
Bechuanaland Protectorate.	Saint Christopher-Nevis.
Bermuda.	Virgin Islands.
British Guiana.	Dominica.
British Honduras.	Malta.
Ceylon.	Mauritius.
Cyprus.	Northern Nigeria.
East Africa Protectorate.	Nyasaland Protectorate.
Falkland Islands.	Saint Helena.
Federated Malay States—	Saint Lucia.
Perak.	Saint Vincent.
Selangor.	Seychelles.
Negri Sembilan.	Sierra Leone.
Pahang.	Solomon Islands Protectorate.
Fiji.	Somaliland Protectorate.
Gambia.	Southern Nigeria.
Gilbert and Ellice Islands	Southern Rhodesia.
Protectorate.	Straits Settlements, including
Gold Coast.	Labuan.
Grenada.	Trinidad and Tobago.
Hong Kong.	Uganda Protectorate.
Jamaica—	Wei-hai Wei.
Turks Islands.	
Cayman Islands.	

* Page 864. The period for notification of Accessions of British Colonies, &c., expired November 26, 1908. (Parliamentary Paper, "Treaty Series, No. 31 (1908).")

*CONVENTION D'ARBITRAGE entre la France et l'Espagne.—Signée à Paris, le 26 Février, 1904.**

[Ratifications échangées à Paris, le 20 Avril, 1904.]

LE Gouvernement de la République Française et le Gouvernement de Sa Majesté le Roi d'Espagne, Signataires de la Convention pour le règlement pacifique des conflits internationaux, conclue à La Haye, le 29 Juillet, 1899 :†

Considérant que, par l'Article XIX de cette Convention, les Hautes Parties Contractantes se sont réservé de conclure des accords en vue du recours à l'arbitrage, dans tous les cas qu'elles jugeront possible de lui soumettre,

Ont autorisé les Soussignés à arrêter les dispositions suivantes :—

ART. I. Les différends d'ordre juridique ou relatifs à l'interprétation des Traités existant entre les deux Parties Contractantes, qui viendraient à se produire entre elles et qui n'auraient pu être réglés par la voie diplomatique, seront soumis à la Cour Permanente d'Arbitrage établie par la Convention du 29 Juillet, 1899, à La Haye ; à la condition, toutefois, qu'ils ne mettent en cause ni les intérêts vitaux ni l'indépendance ou l'honneur des deux États Contractants, et qu'ils ne touchent pas aux intérêts de tierces Puissances.

II. Dans chaque cas particulier les Hautes Parties Contractantes, avant de s'adresser à la Cour Permanente d'Arbitrage, signeront un compromis spécial déterminant nettement l'objet du litige, l'étendue des pouvoirs des Arbitres et les délais à observer, en ce qui concerne la constitution du Tribunal Arbitral et la procédure.

III. Le présent Arrangement est conclu pour une durée de cinq années à partir du jour de la signature.‡

Fait à Paris, en double exemplaire, le 26 Février, 1904.

(L.S.) DELCASSÉ.

(L.S.) F. DE LEON Y CASTILLO.

* "Journal Officiel," May 1, 1904.

† Vol. XCI, page 970.

‡ Renewed for five years by an Exchange of Notes between the French and Spanish Governments of the 3rd February, 1909. "Journal Officiel," February 15, 1909.

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